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A table of the titles of the Public General Acts passed in the Third Session of the Twenty-Fifth Parliament of the United Kingdom of Great Britain & Ireland 57 & 58. Victoria AD - 1894.

Sub: Law & Legislation / Statutes / Pub. Gen. Acts / Victoria Acts.

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A TABLE

OF

The TITLES of the PUBLIC GENERAL ACTS passed in the THIRD Session of the TWENTY-FIFTH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

57 & 58 VICTORIA.—A.D. 1894.

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1. AN Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five. (*Consolidated Fund* (*No.* 1).) 1

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A TABLE

OF

The TITLES of the PUBLIC ACTS of a Local Character passed during the Session which are placed amongst the LOCAL ACTS.

57 & 58 VICTORIA.—A.D. 1894.

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i. An Act to confirm a Provisional Order made by the Secretary for Scotland, in pursuance of the Burgh Police (Scotland) Act, 1892, to increase the number of Magistrates in the Royal Burgh of North Berwick. (*North Berwick Provisional Order Confirmation.*)

ii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Town of Belturbet. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 2).*)

iii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Waterford (*Local Government Board (Ireland) Provisional Order Confirmation (No. 3).*)

xvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bangor, Dartmouth, Littlehampton, and Seaford (*Pier and Harbour Orders Confirmation (No. 1).*)

xvii. An Act to confirm a Provisional Order of the Local Government Board under the Housing of the Working Classes Act, 1890, relating to the Urban Sanitary District of Portsmouth. (*Local Government Board's Provisional Order Confirmation (Housing of Working Classes).*)

xviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Lisburn. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 4).*)

xix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Liversedge and Mirfield and the Stroud Joint Hospital Districts. (*Local Government Board's Provisional Orders Confirmation.*)

xx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Accrington, Ashton-under-Lyne, Berwick-upon-Tweed, Bolton, Hexham, Knaresborough and Tentergate, Llandilo, Merthyr Tydfil, Penrith, Southport, Wallasey, Widnes, and Workington. (*Local Government Board's Provisional Orders Confirmation* (*No.* 2).)

xxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bristol, Dover, Henley-upon-Thames, Idle, Nottingham, Padiham and Hapton, Tunbridge Wells, and Wells (Somerset). (*Local Government Board's Provisional Orders Confirmation* (*No.* 3).)

xxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Baildon, Burnley, Burton-upon-Trent, Leicester, Margate, Norwich, and Wigan, and the Port of Cardiff. (*Local Government Board's Provisional Orders Confirmation* (*No.* 4).)

xxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bristol, Heckmondwike, Southampton, Sowerby Bridge, and Stockport. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

xxiv. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Strabane. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*No.* 8).)

xxxv. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Tullamore. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*No.* 6).)

xxxvi. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Roscrea. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*No.* 7).)

xxxvii. An Act to confirm two Provisional Orders made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Dublin. (*Local Government Board* (*Ireland*) *Provisional Orders Confirmation* (*No.* 9).)

xxxviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of

Larne. (*Local Government Board (Ireland) Provisional Order Confirmation* (*No.* 10).)

xxxix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Clones. (*Local Government Board (Ireland) Provisional Order Confirmation* (*No.* 11).)

xl. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Coleraine. (*Local Government Board (Ireland) Provisional Order Confirmation* (*No.* 12).)

xli. An Act to confirm a Provisional Order made by the Secretary for Scotland under the Public Health (Scotland) Act, 1867, relating to Wemyss, and Buckhaven Methil and Innerleven Water. (*Wemyss, and Buckhaven Methil and Innerleven Water Supply Confirmation.*)

xlii. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras, and St. Giles, Camberwell. (*Metropolitan Police Provisional Order Confirmation.*)

xliii. An Act to confirm a Provisional Order of the Board of Agriculture relating to the Regulation of certain Commons in the Borough of Luton in the County of Bedford. (*Commons Regulation* (*Luton*) *Provisional Order Confirmation.*)

xliv. An Act to confirm a Provisional Order of the Local Government Board under the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Urban Sanitary District of Wokingham. (*Local Government Board's Provisional Order Confirmation* (*Gas*).)

xlv. An Act to confirm certain Provisional Orders of the Local Government Board under the Housing of the Working Classes Act, 1890, relating to the Urban Sanitary Districts of Sheffield, Sunderland, and Wigan. (*Local Government Board's Provisional Orders Confirmation* (*Housing of Working Classes*) (*No.* 2).)

xlvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bredbury and Romiley, Leyton, Swadlincote, and Wilmslow, and the Rural Sanitary District of the Wharfedale Union. (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

xlvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Gosport and Alverstoke, Harrow, Ilfracombe, Norwich, Ramsgate, and Redruth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

xlviii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges of the

Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company (Limited), and the Stocksbridge Railway Company. (*Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation.*)

xlix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Barrow-in-Furness, Buxton, Chepping Wycombe, Chesterfield, St. Helens, and West Hartlepool. (*Electric Lighting Orders Confirmation (No.* 1).)

l. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Grimsby, Harrow, Leyton, Monmouth, Peterborough, and St. Austell. (*Electric Lighting Orders Confirmation (No.* 2).)

li. An Act to confirm an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, relating to a several Mussel Fishery at Cockenzie, County of Haddington. (*Mussel Fishery (Cockenzie) Order Confirmation.*)

cvii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, relating to the Town of Fermoy. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 1).)

cviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Athlone. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 5).)

cix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of the Pembroke Township. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 13).)

cx. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of the Township of Kingstown. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 14).)

cxi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Collieston, Fraserburgh, Polperro, and Whitelinks. (*Pier and Harbour Orders Confirmation (No.* 2).)

cxii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Avoch, Burnmouth, Loch Efort, and Poole. (*Pier and Harbour Orders Confirmation (No.* 3).)

cxiii. An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Montrose. (*Pier and Harbour Order Confirmation* (*No.* 4).)

cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Crystal Palace District, Oswestry, Plymouth, Shropshire (Shrewsbury), Wakefield, and Yeadon. (*Electric Lighting Orders Confirmation* (*No.* 3).)

cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdare, Birmingham, Chelmsford, and Guildford. (*Electric Lighting Orders Confirmation* (*No.* 4).)

cxvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Clonmel and Moss Side (Collier Marr). (*Electric Lighting Orders Confirmation* (*No.* 5).)

cxvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bolsover Gas, Earby and Thornton Gas, Ilford Gas, and Willenhall Gas. (*Gas Orders Confirmation.*)

cxviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Newquay (Cornwall) Gas, North Bierley Gas, Uttoxeter Gas, and Worthing Gas. (*Gas Orders Confirmation* (*No.* 2).)

cxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bishop's Waltham Water, Blandford Water, East Surrey Water, Tilehurst, Pangbourne, and District Water, and West Cheshire Water. (*Water Orders Confirmation.*)

cxx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bradford (Yorks) and Saint George, and the Rural Sanitary Districts of the Belper Union, the Bromsgrove Union, the Wakefield Union, and the Township of Saddleworth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

cxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Chorley, the Fulstone and Hepworth, the Leigh, and the Pontefract Joint Hospital Districts. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

cxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Abram, Stockport, and Wilsden. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

cxxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Birmingham, Brighton, Burnley, Darwen, Lancaster,

and Sheffield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

cxxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Counties of the Isle of Wight, London, and West Sussex, and to the Boroughs of Margate and Tunbridge Wells. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

cxxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Isle of Thanet and Stone Joint Hospital Districts, and to the Leigh and Atherton and the Stalybridge and Dukinfield Joint Sewerage Districts. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

cxxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Middleton and Preston. (*Local Government Board's Provisional Orders Confirmation* (*No.* 16).)

cxxvii. An Act to confirm a Provisional Order of the Local Government Board relating to the Haslingden, Rawtenstall, and Bacup Outfall Sewerage District. (*Local Government Board's Provisional Order Confirmation* (*No.* 19).)

cxxviii. An Act to confirm a Provisional Order of the Local Government Board, under the provisions of the Poor Law Act, 1889, and the Public Health Act, 1875, relating to the Metropolitan Asylum District. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

cxxix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Blackburn, Blackpool (two), and Stalybridge, and to the Rural Sanitary District of the Blackburn Union. (*Local Government Board's Provisional Orders Confirmation* (*No.* 14).)

cxxx. An Act to confirm a Provisional Order of the Local Government Board relating to the County of Dorset. (*Local Government Board's Provisional Order Confirmation* (*No.* 17).)

cxxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary District of King's Lynn (two), the Burnley Joint Hospital District, and the West Kent Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 18).)

cxci. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Corporation Tramways, Liverpool and Walton-on-the-Hill Tramways, and Liverpool Corporation Tramways (Extensions). (*Tramways Orders Confirmation* (*No.* 1).)

cxcii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Croydon Corporation Tramways, Croydon Tramways

(Extensions), and South Staffordshire Tramways. (*Tramways Orders Confirmation* (*No.* 2).)

cxciii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bolton and St. Helens, and to the Wisbech and Walsoken Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 15).)

cxciv. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Acts. (*Education Department Provisional Order Confirmation* (*London*).)

cxcv. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York to put in force the Lands Clauses Acts. (*Education Department Provisional Orders Confirmation* (*Barry, &c.*).)

cxcvi. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Canals of the Great Northern and certain other Railway Companies. (*Canal Tolls and Charges, No.* 1 (*Canals of the Great Northern and certain other Railway Companies*) *Order Confirmation.*)

cxcvii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates, Tolls, and Charges applicable thereto, for the Bridgewater Canals Undertaking of the Manchester Ship Canal Company, and for certain other Canals. (*Canal Rates, Tolls, and Charges, No.* 2 (*Bridgewater, &c. Canals*) *Order Confirmation.*)

cxcviii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Aberdare Canal Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 3 (*Aberdare, &c. Canals*) *Order Confirmation.*)

cxcix. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Regent's Canal. (*Canal Tolls and Charges, No.* 5 (*Regent's Canal*) *Order Confirmation.*)

cc. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto,

for the River Ancholme Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 7 (*River Ancholme, &c.*) *Order Confirmation.*)

cci. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the River Cam Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 8 (*River Cam, &c.*) *Order Confirmation.*)

ccii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Canals of the Caledonian Railway Company, and of the North British Railway Company. (*Canal Tolls and Charges, No.* 9 (*Canals of the Caledonian and North British Railway Companies*) *Order Confirmation.*)

cciii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates, Tolls, and Charges applicable thereto, for the Grand Canal. (*Canal Rates, Tolls, and Charges, No.* 11 (*Grand Canal*) *Order Confirmation.*)

cciv. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Birmingham Canal Navigations. (*Canal Tolls and Charges, No.* 4 (*Birmingham Canal*) *Order Confirmation.*)

ccv. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the River Lee Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 6 (*River Lee, &c.*) *Order Confirmation.*)

ccvi. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Lagan Canal, and certain other Canals. (*Canal Tolls and Charges, No.* 10 (*Lagan, &c. Canals*) *Order Confirmation.*)

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CENTRAL SECRETARIAT LIBRARY

PUBLIC GENERAL STATUTES.

57 VICTORIA.

27

CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five.

[29th March 1894.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, the sum of five hundred and seventy-eight thousand and seven pounds fourteen shillings.

Issue of 578,007*l.* 14*s.* out of the Consolidated Fund for the service of the years ending 31st March 1893 and 1894.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, the sum of nine million eight hundred and ninety-nine thousand six hundred pounds.

Issue of 9,899,600*l.* out of the Consolidated Fund for the service of the year ending 31st March 1895.

3. The Treasury may borrow from any person, and the Bank of England may lend on the credit of the said sums, any sum or sums not exceeding in the whole the sum of ten million four hundred and seventy-seven thousand six hundred and seven pounds fourteen shillings, and the Treasury shall repay the moneys so

Power to the Treasury to borrow.

borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1894.

CHAPTER 2.

An Act to provide for carrying into effect the Award of the Tribunal of Arbitration constituted under a Treaty between Her Majesty the Queen and the United States of America. [23rd April 1894.]

WHEREAS by a treaty between Her Majesty the Queen and the Government of the United States of America various questions which had arisen respecting the taking and preservation of the fur seal in the North Pacific were referred to arbitrators as mentioned in the treaty:

And whereas the award of such arbitrators (in this Act referred to as the Behring Sea Arbitration Award) dated the fifteenth day of August one thousand eight hundred and ninety-three, contained the provisions set out in the First Schedule to this Act; and it is expedient to provide for carrying the same into effect:

Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactment of articles of arbitrators' award respecting the fur seal.

1.—(1.) The provisions of the Behring Sea Arbitration Award set out in the First Schedule to this Act shall have effect as if those provisions (in this Act referred to as the scheduled provisions) were enacted by this Act, and the acts directed by Articles one and two thereof to be forbidden were expressly forbidden by this Act.

(2.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the Merchant Shipping Act, 1854, and the ship employed in such contravention and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act; Provided that the court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding five hundred pounds.

17 & 18 Vict. c. 104.

(3.) The provisions of the Merchant Shipping Act, 1854, with respect to official logs (including the penal provisions) shall apply to every vessel engaged in fur seal fishing.

(4.) Every person who forges or fraudulently alters any licence or other document issued for the purpose of Article four or of Article seven in the First Schedule to this Act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document, shall be guilty of a misdemeanor within the meaning of the Merchant Shipping Act, 1854. 17 & 18 Vict. c. 104.

(5.) Subject to this Act, the provisions of sections one hundred and three and one hundred and four and Part Ten of the Merchant Shipping Act, 1854, and of section thirty-four of the Merchant Shipping Act, 1876, which are set out in the Second Schedule to this Act, shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry. 39 & 40 Vict. c. 80.

2.—(1.) Where an officer seizes, under this Act, a ship's certificate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds. Provision as to ship's papers.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3.—(1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for carrying into effect the scheduled provisions, and this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the London Gazette, and shall have effect as if enacted in this Act. Orders in Council.

(2.) If there is any contravention of any regulation made by any such Order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding one hundred pounds.

(3.) An Order in Council under this Act may provide, that such officers of the United States of America as are specified in the Order may, in respect of offences under this Act, exercise the like powers under this Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exerciseable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the Order may exercise

the powers conferred by this Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

Liability of master to punishment.

4.—(1.) Where any offence under this Act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this Act;

(2.) Provided that if it is proved that the master issued proper orders for, the observance, and used due diligence to enforce the observance of this Act, and the regulations in force thereunder, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master or the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offence to the master or crew or owner of the ship.

Definitions.

5. The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

Short title.

6. This Act may be cited as the Behring Sea Award Act, 1894.

Commencement of Act.

7.—(1.) This Act shall come into operation on the first day of May one thousand eight hundred and ninety-four, provided that Her Majesty in Council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this Act or any part thereof during the period mentioned in the Order, and the same shall be suspended accordingly.

(2.) Where on any proceeding in any court against a person or ship in respect of any offence under this Act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the First Schedule to this Act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

Duration of Act.

8. This Act shall remain in force so long as the scheduled provisions remain in force and no longer;

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty in Council may order that this Act shall, subject to any modifications specified in the order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the First Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS in AWARD of the TRIBUNAL of ARBITRATION constituted under the Treaty concluded at Washington on the 29th of February 1892, between HER MAJESTY THE QUEEN and the UNITED STATES OF AMERICA.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI. leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said arbitrators, do decide and determine in the mode provided by the Treaty that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and that they should extend over the waters herein-after mentioned; that is to say:—

Article 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribiloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

Article 2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending each year from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I. of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

Article 3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Article 4. Each sailing vessel authorised to fish for fur-seals must be provided with a special licence issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log-book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Article 6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring's Sea during the season when it may be lawfully carried on.

Article 7. The two Governments shall take measures to control the fitness of the men authorised to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Article 8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connexion with other vessels and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea, or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connexion with fur-sealing vessels as heretofore.

Article 9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur-seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

SECOND SCHEDULE.

ENACTMENTS OF MERCHANT SHIPPING ACT (17 & 18 VICT. C. 104.) APPLIED.

SECTION 103.

* * * * *

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SECTION 104.

Officer not liable for any seizure made on reasonable grounds.

No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial

relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

PART X.—LEGAL PROCEDURE.

Application.

SECTION 517.

Application.

Application of Part X. of the Act.

The Tenth Part of this Act shall in all cases where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

Legal Procedure (General).

SECTION 518.

Legal Procedure (General).

Punishment of offences, and recovery of penalties.

In all places within Her Majesty's dominions except Scotland, the offences herein-after mentioned shall be punished and penalties recovered in manner following; (that is to say,)

(1.) Every offence by this Act declared to be a misdemeanor shall be punishable by fine or imprisonment with or without hard labour, and the court before which such offence is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the Act passed in the seventh year of His late Majesty King George the Fourth, chapter sixty-four, or any other Act that may be passed for the like purpose, and may in any other part of Her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing Act or Ordinance or as may be payable or allowable under any Act or law for the time being in force therein: 7 Geo. 4. c. 64.

(2.) Every offence declared by this Act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanor:

(3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall in England and Ireland be prosecuted summarily before any two or more justices, as to England in the manner directed by the Act of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, and as to Ireland in the manner directed by the Act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes: And all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order:

(4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions:

(5.) All offences under this Act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any Act or Ordinance duly made in such possession in such manner as Acts and Ordinances in such possession are required to be made in order to have the force of law.

SECTION 519.

Stipendiary magistrate to have same power as two justices.

Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this Act authorised to do.

SECTION 520.

Offence where deemed to have been committed.

For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

SECTION 521.

Jurisdiction over ships lying off the coasts.

In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this Act or under any other Act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

SECTION 522.

Service to be good if made personally, or on board ship.

Service of any summons or other matter in any legal proceeding under this Act shall be good service, if made personally, on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

SECTION 523.

Sums ordered to be paid leviable by distress on ship.

In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate, who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pounding and sale of the said ship, her tackle, furniture, and apparel.

SECTION 524.

Application of penalties.

Any court, justice, or magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit,

direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

SECTION 525.

Limitation of time in summary proceedings.

The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same:

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction:

(3.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

(4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction.

And no provision contained in any other Act or Acts, Ordinance or Ordinances for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

SECTION 526.

Document proved without calling attesting witness.

Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

SECTION 527.

Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage.

Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the High Court of Admiralty, or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship. to issue an order directed to any officer of Customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of Customs or other officer to whom such order is directed shall detain such ship accordingly.

SECTION 528.

Power in certain cases to detain ship before application made to judge.

In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

SECTION 529.

Who to be defendant to suit in such cases.

In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Legal Procedure (Scotland).

Legal Procedure (Scotland).

SECTION 530.

Offences punishable as misdemeanors.

In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

SECTION 531.

Summary proceedings.

In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be

brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

SECTION 532.

Form of complaint.

In Scotland all prosecutions, complaints, actions, or other proceedings under this Act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the Act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

SECTION 533.

Mode of requiring appearance of defender and witnesses.

In Scotland, on any complaint or other proceeding brought in a summary form under this Act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compear at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorised by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciæ shall in such case be necessary.

SECTION 534.

Backing arrestments.

When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

SECTION 535.

Compelling attendance of witnesses.

In all proceedings under this Act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

SECTION 536.

Provisions to be vivâ voce.

The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted vivâ voce, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

SECTION 537.

Power to adjourn.

It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

SECTION 538.

Sentence to be in writing.

Imprisonment to be inflicted in default of payment.

In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the fifth and sixth years of William the Fourth, intituled "An Act for abolishing, in Scotland, imprisonment for civil debts of small "amount."

5 & 6 W. 4. c. 70.

SECTION 539.

Sentence and penalties in default of defender's appearance.

In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

SECTION 540.

Warrant to apprehend in default of appearance.

In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

SECTION 541.

Backing sentences or decrees.

In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or

justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

SECTION 542.

No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocation, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocation, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

Orders not to be quashed for want of form; and to be final.

SECTION 543.

Such of the general provisions with respect to jurisdiction, procedure and penalties contained in this Act as are not inconsistent with the special rules herein-before laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

ENACTMENT OF MERCHANT SHIPPING ACT, 1876 (39 & 40 VICT. c. 80.), APPLIED.

SECTION 34.

Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Enforcing detention of ship.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master

of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

CHAPTER 3.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[23rd April 1894.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-five thousand three hundred and forty-seven men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition,

or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act will expire in the year one thousand eight hundred and ninety-four on the following days: 44 & 45 Vict. c. 58.

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1894. **Short title.**

2.—(1.) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say, **Army Act to be in force for specified times.**

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and ninety-four to the thirtieth day of April one thousand eight hundred and ninety-five, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and ninety-four to the thirty-first day of July one thousand eight hundred and ninety-five, both inclusive; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and ninety-four to the thirty-first day of December one thousand eight hundred and ninety-five, both inclusive;

and the day from which the Army Act is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, while in force, shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act.

Amendments of Army Act.

Amendment of 44 & 45 Vict. c. 58. s. 44 as to reference to Regimental Debts Act.

4. In sub-section eleven of section forty-four of the Army Act for "1863" shall be substituted "1893."

Amendment of s. 91.

5. In sub-section three of section ninety-one of the Army Act, for the word "section," where it secondly occurs, shall be substituted the word "Act."

Amendment of s. 129 as to counsel at courts-martial.

6. In the preamble to section one hundred and twenty-nine of the Army Act the word "general" shall be omitted.

Amendment of s. 170 as to protection of persons acting under Act.

7. In sub-section one of section one hundred and seventy of the Army Act for the word "twelve" wherever it occurs shall be substituted the word "six."

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Fourpence per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	One shilling and threepence halfpenny each.
Breakfast as so specified - - - - -	One penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer - - -	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 4.

An Act to authorise an advance out of the general fund of monies belonging to the Suitors of the Supreme Court in Ireland for the purposes of the Library used by the Bar of Ireland at the Four Courts, Dublin.

[1st June 1894.]

WHEREAS under the authority of divers Acts passed in the Parliament of Ireland or the Parliament of the United Kingdom, certain sums have been advanced out of the fund of the suitors of the Courts of Chancery and Exchequer towards building and improving the principal courts of justice and law offices in Dublin: 30 Geo. 3. c. 41. 34 Geo. 3. c. 6. 2 Will. 4. c. 32. 4 & 5 Will. 4. c. 68.

And whereas under the provisions of the Supreme Court of Judicature (Ireland) Act, 1877, and the Acts amending and extending the same, there has been opened in the Bank of Ireland, in the name of the Accountant-General of the Supreme Court, a general cash account and general stock account of Government and other securities, and there has been transferred to such general accounts the cash and securities standing in the books of the Bank of Ireland to the credit of the several accounts of the High Court, and such monies and securities now constitute the fund of suitors in the Supreme Court: 30 & 31 Vict. c. 57.

And whereas it is expedient and necessary for the purpose of promoting the health and convenience of the members of the Bar of Ireland using the library at the Four Courts, Dublin, that such library should be enlarged and altered, and the accommodation and fitting and furnishing thereof improved, and it may be necessary that, for that purpose, certain alterations should be made in and about the buildings of the Four Courts, Dublin, and the courts, chambers, and offices thereof, or in (with the consent of the Incorporated Law Society of Ireland) the buildings belonging to that Society:

And whereas it is estimated that a sum of fifteen thousand pounds will be required for the purpose of such additions, alterations, enlargements, and improvement of accommodation, and buildings and works which may be necessary for the purpose of carrying out the foregoing objects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision for improving Four Courts Library.

1. The Bank of Ireland shall, out of the fund of suitors in the Supreme Court, upon the order of the Lord Chancellor, pay to the Commissioners of Public Works in Ireland towards the making by them of the necessary additions, alterations, and improvements in and about the library at the Four Courts used by the Bar of Ireland, and of such alterations of the buildings, courts, offices, and chambers at the said courts, as the said Commissioners, with the consent of the Benchers of the King's Inns, and the judges of the Supreme Court may decide to be necessary for the purposes

aforesaid, such sums, not exceeding in the whole the sum of fifteen thousand pounds, as shall by the said Commissioners be required.

Provided that no alteration shall be made in any of the buildings at the Four Courts vested in the Incorporated Law Society of Ireland without the consent of that society, and upon the terms which may be agreed upon between the society and the Commissioners of Public Works in Ireland with the consent of the Benchers of the King's Inns.

Provision for deficiency in suitors' fund.

2. If it happens that the cash standing to the credit of the account of the suitors in the Supreme Court is at any time reduced to a sum not sufficient, in the opinion of the Treasury, to meet the demands upon it, then the Treasury shall advance out of the Consolidated Fund, or the growing produce thereof, such sum as they may think necessary, not exceeding in the whole the amount of cash which has been advanced from the fund in pursuance of the above-mentioned Acts and this Act.

Short title and extent of Act.

3. This Act may be cited as the Four Courts Library Act, 1894, and shall extend to Ireland only.

CHAPTER 5.

An Act to provide for the Establishment of a County Councils Association in Scotland, and to enable County Councils to contribute to the Expenses of the Association. [1st June 1894.]

WHEREAS it is proposed that an association of county councils of Scotland should be formed for the purpose of consultation as to their common interests, and the discussion of matters relating to Local Government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Contributions from county fund. 52 & 53 Vict. c. 50.

1. A county council of a county may pay out of the general purposes rate as general expenses incurred by them in the execution of their duties under the Local Government (Scotland) Act, 1889, any sum not exceeding thirty pounds, in any one year as an annual or other subscription to the funds of the association as well as any reasonable expenses of the attendance of representatives, not exceeding in any case, four, at meetings of the Association.

Short title.

2. This Act may be cited for all purposes as the County Councils Association (Scotland) Expenses Act, 1894.

CHAPTER 6.

An Act for amending the Law with respect to the Time for holding Quarter Sessions. [1st June 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The justices assembled in general quarter sessions, or at any adjourned or special meeting thereof (which special meeting they are hereby authorised to hold), may at any time when it may appear desirable for the purpose of not interfering with the assizes then next ensuing, fix or alter the time for holding the then next general quarter sessions so as the sessions be held not earlier than fourteen days before nor later than fourteen days after the week in which they would otherwise be held. Power to alter time for holding quarter sessions.

2. The Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter forty-seven, intituled "An Act for preventing the interference of the spring assizes with the April quarter sessions," is hereby repealed. Repeal.

3. This Act may be cited as the Quarter Sessions Act, 1894. Short title.

CHAPTER 7.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five. [1st June 1894.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, the sum of twelve million one hundred and seventeen thousand six hundred and thirty pounds. Issue of 12,117,630*l.* out of the Consolidated Fund for the service of the year ending 31st March 1895.

2. The Treasury may borrow from any person, and the Bank of England may lend on the credit of the said sum, any sum or sums not exceeding in the whole the sum of twelve million one Power to the Treasury to borrow.

hundred and seventeen thousand six hundred and thirty pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 2) Act, 1894.

CHAPTER 8.

An Act to amend the Industrial and Provident Societies Act, 1893, in so far as it relates to the Island of Jersey. [18th June 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Industrial and Provident Societies Act, 1894, and the Industrial and Provident Societies Act, 1893, and this Act may be cited together as the Industrial and Provident Societies Acts, 1893 and 1894.

Substitution of constable for bailiff. 56 & 57 Vict. c. 39.

2. In sub-head (*d.*) of sub-section (1.) of section seventy-seven of the Industrial and Provident Societies Act, 1893, the words "constable of the parish" shall be substituted for "bailiff of the parish."

Powers of investment.

3. The following shall be added to sub-section (1.) of section seventy-seven of the last-mentioned Act as sub-head (*j.*): All industrial and provident societies within the said island shall be authorised to invest any part of their funds in the "Rentes Publiques" or in the States' Bonds of the said island, if they think fit.

Printing of future copies of principal Act.

4. All copies of the Industrial and Provident Societies Act, 1893, printed after the passing of this Act by any of the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom, shall be printed with the substitution and addition required by this Act.

CHAPTER 9.

An Act to amend the provisions of the Solicitors Act, 1877, relating to the Examination of Persons applying to be admitted Solicitors of the Supreme Court in England. [18th June 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Solicitors Act, 1894, and shall be construed together with the Solicitors Act, 1877.

2. Words and expressions to which meanings are assigned by the Solicitors Act, 1877, have in this Act the same respective meanings.

Interpretation. 40 & 41 Vict. c. 25.

3. It shall be lawful for the Incorporated Law Society, by regulations made under section six of the Solicitors Act, 1877, to exempt from the whole or from any part of the intermediate examination persons who have, before the passing of this Act, obtained, or who shall hereafter obtain, the degree of bachelor of civil law or bachelor of laws or bachelor of law or a certificate of having passed the examination required for such degree at any university in the United Kingdom, or any such other degree or distinction in any school or faculty of law or jurisprudence at any university in the United Kingdom as shall be from time to time specified in the regulations.

Power of Society to exempt from intermediate examination persons who have taken certain degrees, &c.

A person exempted from the whole of the intermediate examination may be admitted as a solicitor without a certificate of having passed such examination, and a person exempted from part of the intermediate examination may be admitted as a solicitor if he has obtained a certificate of having passed the part or parts of the examination from which he is not exempted.

CHAPTER 10.

An Act to amend the Trustee Act, 1893.

[18th June 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In section thirty of the Trustee Act, 1893, the words "as "heir, or under the will of a deceased person, for payment of "whose debts the judgment was given or order made" shall be repealed.

Amendment of 56 & 57 Vict. c. 53. s. 30.

2. The powers conferred on the High Court in England by section forty-one of the Trustee Act, 1893, to make vesting orders as to all land and personal estate in Her Majesty's dominions except Scotland, are hereby also given to and may be exercised by the High Court in Ireland.

Extension to Ireland of 56 & 57 Vict. c. 53. s. 41.

3. In section forty-four of the Trustee Act, 1893, after the word "trustee" in the first two places where it occurs shall be inserted the words "or other person."

Amendment of 56 & 57 Vict. c. 53. s. 44.

4. A trustee shall not be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorised by the instrument of trust or by the general law.

Liability of trustee in case of change of character of investment.

5. This Act may be cited as the Trustee Act, 1893, Amendment Act, 1894.

Short title.

CHAPTER 11.

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[18th June 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants for public works.

1.—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums:—

(*a.*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of two million pounds:

(*b.*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of eight hundred thousand pounds.

(2.) The sums so issued shall be issued during a period ending on the day on which a further Act granting moneys for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

50 & 51 Vict. c. 16.

2. Whereas it is expedient that the principal of the several local loans specified in the schedule hereto should, to the extent of the amount specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887, therefore the principal of the said loans shall, to that extent, be written off from the account of assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Explanation of schedule to 38 & 39 Vict. c. 89.

3. In the First Schedule to the Public Works Loans Act, 1875 (specifying the works for the purpose of which the Public Works Loan Commissioners may lend money), the expression "main drainage" shall be construed as including works of underground drainage.

Priority of charges by Irish Land Commissioners. 33 & 34 Vict. c. 16.

4. An annuity payable in respect of any advance made either before or after the passing of this Act to enable a tenant to purchase a holding under the Land Purchase (Ireland) Acts, 1870 to 1891, shall have priority as a charge over any rent-charge on the same holding created at any time under sub-section two of section thirty-one of the Land Law (Ireland) Act, 1881, and over any rent-charge on the same holding created after the date of such advance under the Landed Property Improvement (Ireland) Acts.

44 & 45 Vict. c. 49.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1894.

SCHEDULE.

PART I.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

—	Amount Advanced.			Amount Repaid.			Amount Outstanding.		
	£	s.	d.	£	s.	d.	£	s.	d.
Loans under Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49. s. 31).									
Saml. F. Beamish - -	200	0	0	194	16	0	5	4	0
Ml. Wallace - - -	65	0	0	18	11	6	46	8	6
Bryan Keogh - - -	50	0	0	1	8	2	48	11	10
Patrick Murray - -	150	0	0	28	6	7	121	13	5
Thos. Gannon - - -	50	0	0	6	12	2	43	7	10
J. M. L. Tew - - -	190	0	0	163	13	7	26	6	5

PART II.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

Loans to Fishermen under the Crofters' Holdings (Scotland) Act, 1886 (49 & 50 Vict. c. 29).

District.	Amount Advanced.			Amount Repaid and Realised from Sale of Boats.			Amount Outstanding.		
	£	s.	d.	£	s.	d.	£	s.	d.
Helmsdale - - - - -	124	0	0	87	17	3	36	2	9
Wick - - - - -	1,031	0	0	613	4	11	417	15	1
Orkney - - - - - -	189	0	0	67	11	3	121	8	9
Shetland - - - -	252	0	0	140	8	6	111	11	6
Stornoway - - - -	53	0	0	16	6	0	36	14	0

CHAPTER 12.

An Act to enable Indian Railway Companies to pay Interest out of Capital during construction.

[3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Indian Railways Act, 1894. **Short title.**

Definitions.

2. The expression "the Secretary of State" means the Secretary of State in Council of India:

The expression "Indian Railway Company" means a company registered under the Companies Acts, 1862 to 1890, or any of them, and formed for the purpose of making and working, or making or working a railway in India, whether alone or in conjunction with other purposes:

The expression "the railway" means the railway in relation to the construction of which interest out of capital is permitted to be paid as herein-after provided.

Payment of interest out of capital.

3. An Indian Railway Company may pay interest on its paid-up share capital out of capital, for the period, and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the railway:

(1.) Such interest shall be paid only for such period as shall be determined by the Secretary of State; and such period shall in no case extend beyond the close of the half year next after the half year during which the railway shall be actually completed and opened for traffic:

(2.) No such payment shall be made unless the same is authorised by the Company's memorandum of association or by special resolution of the Company:

(3.) No such payment, whether authorised by the memorandum of association or by special resolution, shall be made without the previous sanction of the Secretary of State:

(4.) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of four per cent. per annum:

(5.) No such payment of interest shall be made until such Company has satisfied the Secretary of State that two-thirds at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose executors, administrators, or assigns, are legally liable for the same:

(6.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(7.) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

Additional share capital for extensions.

4. If an Indian Railway Company is about to make and work, or to make or work, a railway in addition to, or by way of extension of, a railway owned or worked by such Company, and for that purpose issues further share capital in addition to the capital already issued by it, such Company may pay interest upon such further share capital out of capital, for the period and subject to the

conditions and restrictions in the last preceding section mentioned, the words in that section, "the railway," being read as applying to such addition or extension exclusively.

5. When a Company has power to pay interest under this Act, notice to that effect shall be given in every prospectus, advertisement, or other document inviting subscriptions for shares, and in every certificate of shares. **Notice in prospectus and other documents.**

6. When any interest has been paid by a Company under this Act, the annual or other accounts of such Company shall show the amount on which, and the rate at which interest has been so paid. **Accounts.**

7. If by any memorandum of association, articles of association, or other document any power of borrowing money is conferred on an Indian Railway Company, or on its directors, with or without the sanction of any meeting, and if such power of borrowing is limited to an amount bearing any proportion to the capital of such Company, the amount of capital applied or to be applied in payment of interest under this Act shall, for the purpose of ascertaining the extent of such power of borrowing, be deducted from the capital of such Company. **Construction of borrowing powers.**

8. Where an Indian railway company at any time before the passing of this Act has with the sanction of the Secretary of State paid interest out of capital, such payment shall be as valid as if it had been made pursuant to this Act. **Sanction of past payments.**

9. This Act shall continue in force until the thirty-first day of December one thousand nine hundred and five, and to the end of the then next session of Parliament, and no longer, unless Parliament shall otherwise determine. Provided that all interest, the payment of which shall have been sanctioned by the Secretary of State under this Act, shall continue to be payable to the same extent and for the same period as if this Act had not expired. **Duration of Act.**

CHAPTER 13.

An Act to amend the Law of Arbitration in Scotland.

[3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, an agreement to refer to arbitration shall not be invalid or ineffectual by reason of the reference being to a person not named, or to a person to be named by another person, or to a person merely described as the holder for the time being of any office or appointment. **Reference to arbiter not named, &c. not to be invalid.**

On failure to concur in nomination of single arbiter, court may appoint.

2. Should one of the parties to an agreement to refer to a single arbiter refuse to concur in the nomination of such arbiter, and should no provision have been made for carrying out the reference in that event, or should such provision have failed, an arbiter may be appointed by the court, on the application of any party to the agreement, and the arbiter so appointed shall have the same powers as if he had been duly nominated by all the parties.

On failure of one party to nominate arbiter, court may appoint.

3. Should one of the parties to an agreement to refer to two arbiters refuse to name an arbiter, in terms of the agreement, and should no provision have been made for carrying out the reference in that event, or should such provision have failed, an arbiter may be appointed by the court, on the application of the other party, and the arbiter so appointed shall have the same powers as if he had been duly nominated by the party so refusing.

Arbiters may devolve on oversmen unless otherwise agreed.

4. Unless the agreement to refer shall otherwise provide, arbiters shall have power to name an oversman on whom the reference shall be devolved in the event of their differing in opinion. Should the arbiters fail to agree in the nomination of an oversman, the court may on the application of any party to the agreement, appoint an oversman. The decision of such oversman, whether he has been named by the arbiters or appointed by the court, shall be final.

Act not to apply to certain agreements.

5. This Act shall not apply to any agreement, made before its passing, to refer to an arbiter not named or to be named by another person or merely described as the holder for the time being of an office or appointment, if any party to such agreement shall, before the passing of this Act, or within six months thereafter, have intimated to the other party by writing that he declines to be bound by such agreement.

Interpretation.

6. For the purposes of this Act the expression "the court" shall mean any sheriff having jurisdiction or any Lord Ordinary of the Court of Session.

Extent of Act and short title.

7. This Act shall apply to Scotland only, and may be cited as the Arbitration (Scotland) Act, 1894.

CHAPTER 14.

An Act to extend the powers of the Fishery Board for Scotland in relation to Harbours and Piers.

[3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to apply Parliamentary grant.

1. The Fishery Board may use and apply the grant heretofore made by Parliament for the building, making, or repairing of piers or quays in Scotland under the Act of the fifth year of King George the Fourth, chapter sixty-four, or any part thereof, in providing

collateral security for any loan made by the Public Works Loan Commissioners, with the approval of the Fishery Board, for the construction or improvement of harbours in Scotland, and may charge such grant with the repayment of any such loan or any part thereof with the interest thereon for such period and on such terms as may be agreed upon between the Fishery Board and the Public Works Loan Commissioners.

2. This Act may be cited as the Fishery Board (Scotland) Extension of Powers Act, 1894 Short title.

CHAPTER 15.

An Act to amend the Law as regards Music and Dancing Licences in Middlesex. [3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Music and Dancing Licences (Middlesex) Act, 1894. Short title.

2. For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect in the administrative county of Middlesex, namely, Music and dancing licences.

(1.) After the thirty-first day of December one thousand eight hundred and ninety-four, a house, room, garden, or other place, whether licensed or not for the sale of wines, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the County Council of Middlesex and for the registration thereof a fee of five shillings shall be paid by the person applying therefor; provided that such fee shall in no case be payable by any applicant in respect of any licence granted for the purpose of a charitable or other like entertainment:

(2.) The County Council may at any meeting convened with fourteen days' previous notice, or at any adjournment thereof, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine, and every licence shall be in force for one year or for such shorter period as the County Council on the grant of the licence shall determine, unless the same shall have been previously revoked as herein-after provided:

(3.) The County Council may from time to time at any such meeting aforesaid transfer any such licence to such person as they think fit:

(4.) Each person shall in each case give fourteen days' notice to the clerk of the County Council and to the superintendent of police of the police division in which the house, room, garden, or place is situated, of his intention to apply for any such licence, or for the transfer of any such licence:

(5.) Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying, or rated as occupier of, the same shall be liable on summary conviction to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes aforesaid; and it shall be lawful for any constable, being thereunto authorised by warrant under the hand of one of Her Majesty's justices of the peace for the county of Middlesex, to enter any such house, room, garden, or place so kept or used without such licence as aforesaid, and to apprehend every person who shall be found therein in order that they may be dealt with according to law:

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following: "Licensed in "pursuance of Act of Parliament for ," with the addition of words showing the purpose or purposes for which the same is licensed:

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence: Provided that no such house, room, garden, or other place so kept or used shall be open for any of the purposes aforesaid after midnight and before the hour of noon; save that if on any special occasion an occasional licence of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872, in respect of any house, room, garden, or other place licensed under this Act, no penalty shall be incurred on account of such house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional licence as the hour for closing:

35 & 36 Vict. c. 94.

(8.) The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence:

(9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable on summary conviction to a

penalty not exceeding twenty pounds, and in the case of a continuing offence to a daily penalty (*i.e.*, a penalty for each day on which such offence is continued after conviction therefor) not exceeding five pounds, and such licence shall be liable to be revoked by the order of the County Council:

(10.) No notice need be given under sub-section (4) of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:

(11.) The County Council may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period not exceeding fourteen days, which they shall specify in such licence, notwithstanding that no notice shall have been given under sub-section (4) of this section:

(12.) From and after the passing of this Act sections two and three of the Disorderly Houses Act, 1751, and the whole of the Public Entertainments Act, 1875, shall be repealed so far as relates to the administrative county of Middlesex: 25 Geo. 2. c. 36. 38 & 39 Vict. c. 21.

(13.) Nothing in this Act shall be deemed to interfere with any other enactment respecting the prosecution of persons keeping disorderly houses:

(14.) The powers by this Act conferred upon the County Council shall be in addition to and not in derogation of any of the powers of licensing now vested in the County Council.

CHAPTER 16.

An Act to amend the Supreme Court of Judicature Acts.

[3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appeals.

Regulations as to appeals.

1.—(1.) No appeal shall lie—

(*a*) from an order allowing an extension of time for appealing from a judgment or order; nor

(*b*) without the leave of the Judge, or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by a Judge, except in the following cases, namely—

(i.) where the liberty of the subject or the custody of infants is concerned; and

(ii.) cases of granting or refusing an injunction or appointing a receiver; and

(iii.) any decision determining the claim of any creditor or the liability of any contributory, or the liability of any director or other officer under the Companies Acts, 1862 to 1890, in respect of misfeasance or otherwise; and

(iv.) any decree nisi in a matrimonial cause, and any judgment or order in an Admiralty action determining liability; and

52 & 53 Vict. c. 49.

(v.) any order on a special case stated under the Arbitration Act, 1889; and

(vi.) such other cases, to be prescribed by rules of court, as may in the opinion of the authority for making such rules be of the nature of final decisions.

(2.) An order refusing unconditional leave to defend an action shall not be deemed to be an interlocutory order within the meaning of this section.

(3.) No appeal shall lie from an order of a Judge giving unconditional leave to defend an action.

(4.) In matters of practice and procedure every appeal from a Judge shall be to the Court of Appeal.

(5.) In all cases where there is a right of appeal to the High Court from any court or person, the appeal shall be heard and determined by a Divisional Court constituted as may be prescribed by rules of court; and the determination thereof by the Divisional Court shall be final, unless leave to appeal is given by that court or by the Court of Appeal.

(6.) An application for leave to appeal may be made ex parte or otherwise, as may be prescribed by rules of court.

Appeals from quarter sessions.

2.—(1.) Every case stated by a court of quarter sessions otherwise than under the Acts eleven and twelve Victoria, chapter seventy-eight, and twelve and thirteen Victoria, chapter forty-five, for the consideration of the High Court shall be deemed to be an appeal, and shall be heard and determined accordingly.

(2.) On the hearing of any appeal from a court of quarter sessions the appellate court may draw any inference of fact which might have been drawn in the court of quarter sessions, and may give any judgment or make any order which ought to have been given or made by that court, or may remit the order, and in criminal matters the conviction with the order, and the case stated on it, with the opinion or direction of the appellate court, for re-hearing and determination by the court of quarter sessions, or may remit the case for re-statement.

(3.) On the hearing of any such appeal the appellate court shall have full power to determine how and by whom the costs of the proceedings in the appellate court and in the court of quarter sessions are to be borne.

(4.) The judgment on any such appeal, or, where an appeal to a court of quarter sessions has been directed to be entered for

re-hearing, then that appeal shall, on motion by any party to the appeal, be entered at the sessions next or next but one after the delivery of the judgment, or the giving of the direction, and shall, unless the appellate court otherwise directs, have effect as if the judgment had been given, or, in case of an appeal directed to be re-heard, the appeal had been heard and determined, by the court of quarter sessions at the time of the decision in respect of which the appeal from quarter sessions was brought, and entry and respite of any appeal to quarter sessions in respect of which a case has been stated for the consideration of the High Court shall not be necessary.

Rules of Court.

Explanation of power to make rules.

3. It is hereby declared that the power to make rules conferred by the Judicature Acts, 1873 to 1891, includes power to make rules for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given:—

(*a.*) On any application in any matter or proceeding relating to the distribution of any fund or property, whether in court or not; and

(*b.*) On any application upon summons for directions pursuant to such rules.

Amendment of provisions as to Rule Committee. 39 & 40 Vict. c. 59. 44 & 45 Vict. c. 68.

4. The persons in whom the power of making rules of court pursuant to section seventeen of the Appellate Jurisdiction Act, 1876, and section nineteen of the Supreme Court of Judicature Act, 1881, is vested, shall include the President of the Incorporated Law Society for the time being, and shall also include two persons (one of whom shall be a practising barrister) to be appointed for the purpose in the same manner as the four judges in the last-mentioned section referred to.

Power to make rules of court as to enactments in schedule.

5. The power to make rules conferred by the Judicature Acts, 1873 to 1891, shall include power to make rules with respect to the matters contained in and regulated by the enactments described in the schedule to this Act.

Rules as to payments out of court. 35 & 36 Vict. c. 44. 46 & 47 Vict. c. 29.

6. Rules made by the Lord Chancellor with the concurrence of the Treasury under the Chancery Funds Act, 1872, or the Supreme Court of Judicature (Funds, &c.) Act, 1883, may determine the smallest amount which shall, notwithstanding any order of the court, be paid by the Paymaster-General: Provided as follows—

(1.) Nothing in this section shall apply to any periodical payments of annuities, or of dividends or interest of funds in court;

(2.) The amount so determined shall not exceed one shilling; and

(3.) Any sums retained by the Paymaster-General in accordance with any such rule shall, in such manner as the Treasury may direct, be either paid into the Exchequer or appropriated in aid of the moneys granted by Parliament for the expenses of the Supreme Court.

Short Title.

Short title and commencement.

7. This Act may be cited as the Supreme Court of Judicature (Procedure) Act, 1894, and shall be read with the Judicature Acts, 1873 to 1891, and shall come into operation at the expiration of two months after the passing thereof.

SCHEDULE.

Section 5.

Session and Chapter.	Title or Short Title.	—
8 & 9 Will. 3. c. 11. -	An Act for the better preventing frivolous and vexatious suits.	Section eight.
39 & 40 Geo. 3. c. 36.	An Act the title of which begins with the words "An Act to "enable courts of equity" and ends with the words "party "thereto."	The whole Act.
10 Geo. 4. c. 13. -	An Act to provide for monies paid into court under Acts afterwards repealed.	The whole Act.
3 & 4 Will. 4. c. 42. -	An Act for the further amendment of the law and the better advancement of justice.	Sections sixteen and eighteen.
1 & 2 Vict. c. 110. -	An Act the title of which begins with the words "An Act for "abolishing arrest" and ends with the words "debtors in "England."	Sections fourteen and fifteen.
3 & 4 Vict. c. 82. -	An Act for further amending the Act for abolishing arrest in mesne process in civil actions.	Section one.
5 Vict. c. 5. - -	An Act to make further provisions for the administration of justice.	Section four.
15 & 16 Vict. c. 76. -	The Common Law Procedure Act, 1852.	Section one hundred and thirty-two.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Section seventeen.
30 & 31 Vict. c. 47. -	An Act the title of which begins with the words "An Act to "amend" and ends with the words "Crown debts and on "judgments."	The whole Act.
31 & 32 Vict. c. 40. -	The Partition Act, 1868 - -	The whole Act.
39 & 40 Vict. c. 17. -	The Partition Act, 1876 - -	The whole Act.

CHAPTER 17.

An Act to regulate the Conditions as to Leave of Absence for certain Colonial Officers. [3rd July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Rules as to leave of absence to colonial officers.

1.—(1.) A person employed in the public service of any colony, other than a colony specified in the schedule to this Act, or in any Order of Her Majesty in Council extending the said schedule, shall not be entitled to be absent from the colony except in accordance with rules relating to leave of absence framed by a Secretary of State.

54 Geo. 3. c. 61.

(2.) The Act of the session held in the fifty-fourth year of King George the Third, chapter sixty-one, intituled "An Act to amend "an Act of the twenty-second year of His present Majesty, "intituled 'An Act to prevent the granting in future any Patent "'Office to be exercised in any colony or plantation, now or at "'any time hereafter belonging to the Crown of Great Britain, "'for any longer term than during such time as the grantee "'thereof or person appointed thereto shall discharge the duty "'thereof in person, and behave well therein,'" is hereby repealed.

Short title.

2. This Act may be cited as the Colonial Officers (Leave of Absence) Act, 1894.

SCHEDULE.

The Dominion of Canada.
Newfoundland.
The Cape of Good Hope.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

CHAPTER 18.

An Act to amend the Burgh Police (Scotland) Act, 1892. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 55 & 56 Vict. c. 55. s. 29.

1. The portion of the twenty-ninth section of the Burgh Police (Scotland) Act, 1892, containing the words "where the population "is between fifty thousand and one hundred thousand, the number

" shall be eighteen " is hereby repealed, and in lieu thereof there shall be substituted the words " where the population is between " fifty thousand and one hundred thousand the number shall be " from eighteen to twenty-four."

Short title.

2. This Act may be cited as the Burgh Police (Scotland) Act, 1892, Amendment Act, 1894.

CHAPTER 19.

An Act for enabling the Board of Agriculture to undertake Prosecutions in certain cases under the Merchandise Marks Act, 1887. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of Board of Agriculture to prosecute in certain cases. 54 & 55 Vict. c. 15. 50 & 51 Vict. c. 28.

1. The powers exerciseable by the Board of Trade under the Merchandise Marks Act, 1891, with respect to the prosecution of offences under the Merchandise Marks Act, 1887, may in cases which appear to the Board of Agriculture to relate to agricultural or horticultural produce be exercised by that Board, and in such cases the former Act shall apply as if the Board of Agriculture were referred to therein instead of the Board of Trade.

Extent of Act.

2. This Act shall not extend to Ireland.

Short title.

3. This Act may be cited as the Merchandise Marks (Prosecutions) Act, 1894, and shall be read with the Merchandise Marks Acts, 1887 and 1891.

CHAPTER 20.

An Act to amend the Public Libraries Consolidation (Scotland) Act, 1887. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 50 & 51 Vict. c. 42.

1. This Act may be cited as the Public Libraries (Scotland) Act, 1894, and shall be construed as one with the Public Libraries Consolidation (Scotland) Act, 1887 (in this Act referred to as the principal Act), and these two Acts may be together cited as the Public Libraries (Scotland) Acts, 1887 and 1894.

2.—(1.) In burghs the principal Act may be adopted by a resolution of the magistrates and council of the burgh, and such resolution shall be substituted for a determination of the householders of the burgh in any case where such determination is required under the principal Act.

Modification as to adoption of principal Act in burghs.

(2.) Sections four, five, and six of the principal Act are hereby repealed, so far as they relate to burghs.

3.—(1.) A resolution under this Act shall be passed at a meeting of the magistrates and council, and one month at least before such meeting special notice thereof and of the intention to propose such resolution shall be given to every person included in the collective expression "magistrates and council," either—

Provision as to resolution of magistrates and council of burgh for adoption.

(*a*) in the mode in which notices to attend meetings of the magistrates and council are usually given; or, in the option of the chief magistrate,

(*b*) by forwarding a notice by post in a prepaid letter addressed to the usual or last-known place of abode of every person entitled to notice under this section.

(2.) The resolution shall, after the passing thereof, be published at least once by advertisement in one or more newspapers circulating in the burgh, and shall come into operation at a time to be fixed in the resolution itself, being not less than one month after the publication or first publication of the advertisement thereof herein-before provided.

(3.) A copy of the newspaper or newspapers containing the advertisement shall be conclusive evidence of the resolution having been passed unless the contrary be shown; and no objection to the effect of the resolution on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the publication or first publication of the advertisement.

CHAPTER 21.

An Act to amend the Bishopric of Bristol Act, 1884.

[20th July 1894.]

WHEREAS by the Bishopric of Bristol Act, 1884, provision was made for the disunion of the sees of Gloucester and Bristol, and for the constitution of a separate Bishopric of Bristol, and it was thereby, amongst other things, provided that, subject as therein mentioned, there should be transferred to the endowment fund of the Bishopric of Bristol such portion of the endowment or income of the Bishopric of Gloucester as would, if no deduction were made as therein mentioned, yield a net annual sum of five hundred pounds:

47 & 48 Vict. c. 66.

And whereas it is expedient that a further portion of the endowment or income of the Bishopric of Gloucester should be transferred to the endowment fund of the Bishopric of Bristol in accordance with this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Bishopric of Bristol Amendment Act, 1894.

Amendment of schedule to 47 & 48 Vict. c. 66.

2. In section four of the schedule to the Bishopric of Bristol Act, 1884, there shall by virtue of this Act be substituted for the words "five hundred pounds," the words "seven hundred pounds," and all other provisions of the said Act, and all other enactments having reference in any manner to the section aforesaid, shall be read and have effect accordingly.

CHAPTER 22.

An Act to enable police constables to cause horses and certain other animals when mortally or seriously injured to be slaughtered. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Injured Animals Act, 1894.

Slaughter of injured animals by or by order of police.

2. If a police constable finds any horse, mule, or ass so severely injured that it cannot without cruelty be led away, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely that it is cruel to keep it alive, it shall be lawful for the police constable without the consent of the owner to slaughter the animal or cause it to be slaughtered with such instruments or appliances, and with such precautions and in such manner as to inflict as little pain and suffering as practicable.

Expenses.

3. Any reasonable expense which may be incurred by any constable in so slaughtering any such animal or causing any such animal to be slaughtered, or in removing the carcase of such animal from any street or public place for the purposes of this Act, may be recovered from the owner summarily as a civil debt. Subject as

aforesaid, any expense incurred in the execution of this Act shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

CHAPTER 23.

An Act to amend the Commissioners of Works Act, 1852, and for other purposes relating to the Commissioners of Works. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions as to sales, purchases, &c. under 15 & 16 Vict. c. 28.

1.—(1.) For the purpose of the purchase of land by the Commissioners of Works, the Lands Clauses Acts (except the provisions thereof relating to the purchase and taking of land otherwise than by agreement,) shall be incorporated with the Commissioners of Works Act, 1852.

15 & 16 Vict c. 28.

(2.) In the case of any purchase, sale, exchange, or lease by the Commissioners of Works under the Commissioners of Works Act, 1852, it shall not be necessary for any vendor, purchaser, lessor, or lessee to ascertain whether the consent of the Treasury has been given to the purchase, sale, exchange, or lease.

(3.) Every instrument whereby any land or interest in land in England or Wales is conveyed or assigned to or by the Commissioners of Works under or for the purposes of the Commissioners of Works Act, 1852, shall be enrolled in the central office of the Supreme Court of Judicature, and, if so enrolled, shall not require any other enrolment, acknowledgment, or registry. Provided that this subsection shall not apply to any instrument relating to land the title of which has been registered under the Land Registry Act, 1862, or the Land Transfer Act, 1875.

25 & 26 Vict. c. 53.

38 & 39 Vict. c. 87.

(4.) The enactment mentioned in the schedule to this Act is hereby repealed as regards England and Wales to the extent mentioned in the third column of that schedule.

Provision as to office of Civil Service Commission.

2. The building and land now in the occupation of the Civil Service Commission shall be under the management of the Commissioners of Works, and the provisions of the Acts relating to the Commissioners of Works shall apply to that building and land as if they had been acquired by the Commissioners of Works in pursuance of those Acts.

Explanation of powers as to site of Millbank Prison.

3. It is hereby declared that the powers of sale and leasing exerciseable by the Commissioners of Works with respect to the site of Millbank Prison extend to the site of the chapel formerly attached to that prison.

Short title.

4. This Act may be cited as the Commissioners of Works Act, 1894.

SCHEDULE.

ENACTMENT REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 28.	The Commissioners of Works Act, 1852.	Section two, from "and so as every conveyance" to "as the case may be."

CHAPTER 24.

An Act to amend the Wild Birds Protection Act, 1880.

[20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 43 & 44 Vict. c. 35.

1. This Act may for all purposes be cited as the Wild Birds Protection Act, 1894, and shall be construed as one with the Wild Birds Protection Act, 1880 (herein-after referred to as "the principal Act"), except as herein-after provided.

Prohibition of taking or destroying eggs.

2. A Secretary of State may, after the passing of this Act, upon application by the county council of any administrative county by order prohibit—

(1.) The taking or destroying of wild birds eggs in any year or years in any place or places within that county; or

(2.) The taking or destroying the eggs of any specified kind of wild birds within that county or part or parts thereof, as recommended by the said county council and set forth in the said order.

(3.) The application by the county council shall specify the limits of the place or places, or otherwise, the particular species of wild birds to which it is proposed that any prohibition in the order is to apply, and shall set forth the reasons on account of which the application is made.

Order as to application of principal Act to other birds.

3. A Secretary of State may, on the representation of the council of any administrative county, order that the principal Act shall apply within that county or any part or parts thereof to any species of wild bird not included in the schedule of that Act, as if that species of wild bird were included in the schedule of that Act, and on the making of such order that Act shall apply accordingly.

Publication of order.

4.—(1.) The council of an administrative county shall in every year give public notice of any order under this Act which is in force in any place within their county during the three weeks preceding the commencement of the period of the year during which the order operates.

(2.) Public notice under this section shall be given—

(*a*.) As regards each place in which an order operates, by advertising the order in two local newspapers circulating in or near that place;

(*b*.) By fixing notices of the order in conspicuous spots within and near each place in which the order operates; and

(*c*.) In such other manner as the Secretary of State may direct, or as the council may think expedient, with a view to making the order known to the public.

5. Any person who, after the passing of this Act, shall take or destroy, or incite any other person to take or destroy— Penalties.

(*a*) the eggs of any wild birds within any area specified in the order; or

(*b*) the eggs of any species of wild bird named in the order;

shall, on conviction before any two justices of the peace in England, Wales, or Ireland, or before the sheriff in Scotland, forfeit and pay for every egg so taken or destroyed a sum not exceeding one pound.

6. Any expenses incurred by the council of a county under this Act may be defrayed by that council as expenses for general county purposes within the meaning of the Local Government Act, 1888, or, so far as respects Scotland, the Local Government (Scotland) Act, 1889. Expenses. 51 & 52 Vict. c. 41. 52 & 53 Vict. c. 50.

7.—(1.) This Act shall apply to Scotland with the substitution of the Secretary for Scotland for a Secretary of State. Application to Scotland and Ireland.

(2.) This Act shall apply to Ireland, with the substitution of the Lord Lieutenant for a Secretary of State, and of the grand jury for the council of an administrative county, and any expenses incurred in carrying this Act into effect in Ireland shall be defrayed out of grand jury cess.

CHAPTER 25.

An Act to empower Boards of Guardians to grant Relief to Members of Friendly Societies in Receipt of any Allowances from the same. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Notwithstanding any orders or regulations of the Poor Law Commissioners or the Local Government Board under and by virtue of the Poor Law Amendment Act, 1834, or of any Act amending the said Act, it shall be lawful for any board of guardians, if they think fit, to grant relief out of the poor rates to any person otherwise entitled to such relief, notwithstanding that the said person shall, by reason of his membership of a friendly society, be in receipt of any sum, and that in estimating the amount of the Outdoor relief to members of friendly societies. 4 & 5 Will. 4. c. 76.

relief that shall be granted to such person being a member of a friendly society as aforesaid, it shall be at the discretion of the board of guardians whether they will or will not take into consideration the amount which may be received by him from such friendly society.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Short title.

3. This Act may be cited as the Outdoor Relief Friendly Societies Act, 1894.

CHAPTER 26.

An Act to extend the Powers of Local Fisheries Committees with respect to Fisheries for Shell Fish.

[20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of powers of local fisheries committees with respect to shell fish. 51 & 52 Vict. c. 54.

1.—(1.) The powers of a local fisheries committee to make byelaws in pursuance of section two of the Sea Fisheries Regulation Act, 1888, shall extend to making byelaws to be observed within their district for the regulation, protection, and development of fisheries for all or any specified kinds of shell fish, and any such byelaws may provide, amongst other things, for

(*a*) the fixing of the sizes and condition at which shell fish may not be removed from a fishery, and the mode of determining such sizes;

(*b*) the obligation to re-deposit in specified localities any shell fish the removal or possession of which is prohibited by or in pursuance of any Act of Parliament;

(*c*) the protection of shell fish laid down for breeding purposes;

(*d*) the protection of culch and other material for the reception of spat, that is to say, of the spawn or young of any kinds of shell fish; and

(*e*) the obligation to re-deposit such culch and other material in specified localities.

(2.) A local fisheries committee shall have power to stock or re-stock any public fishery for shell fish, and for that purpose to incur such expenses as may be sanctioned by the Board of Trade.

(3.) For the purposes of this Act the expression "shell fish" shall include all kinds of molluscs and crustaceans.

Short title. 51 & 52 Vict. c. 54. 54 & 55 Vict. c. 37.

2. This Act may be cited as the Sea Fisheries (Shell Fish) Regulation Act, 1894, and the Sea Fisheries Regulation Acts, 1888 and 1891, and this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 to 1894.

CHAPTER 27.

An Act to amend the Law for the Prevention of Cruelty to Children. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Sections one, five, and six of the Prevention of Cruelty to and Protection of Children Act, 1889 (herein-after called the principal Act), shall apply in the case of boys under the age of sixteen years in the same manner as they apply in the case of boys under the age of fourteen years, and sixteen years shall in those sections, with reference to the age of a boy, be accordingly substituted for fourteen years.

Limit of age raised in case of boys to 16 years. 52 & 53 Vict. c. 44.

2.—(1.) The principal Act shall be amended by the addition throughout that Act of the word "assaults" before the word "ill-treats," and "assaulted" before "ill-treated," and "assault" before "ill-treatment."

(2.) A person may be convicted either by a court of summary jurisdiction or on indictment of an offence under section one of the principal Act, notwithstanding the death of the child in respect of whom the offence was committed.

Application of principal Act in case of assault or death of a child.

3. The principal Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if he had otherwise neglected the child.

Explanation of principal Act as to neglect.

4. Where it appears to the court by or before which any person is convicted of an offence under section one of the principal Act that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding twelve months in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner, as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

Power as to habitual drunkards.

42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and

(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Amendments as to punishments.

5.—(1.) Six months shall be substituted for three months in section one of the principal Act as the term of imprisonment to which a person shall be liable as provided in that section on conviction by a court of summary jurisdiction.

(2.) The court in any case in which they have power to increase a fine on any person under section two of the principal Act shall have power to sentence that person to penal servitude for any term not exceeding five years, but any sentence so given shall be in substitution for and not in addition to any penalty which may be awarded under section one or section two of the said Act.

(3.) Section two of the principal Act shall be amended by the substitution of the word "indicted" for the words "convicted on indictment;" and the words in that section from "such interest as aforesaid" to the end of the section are hereby repealed.

(4.) A person shall be deemed to be interested in a sum of money under section two of the principal Act if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

Extension and amendment of s. 3 of principal Act.

6.—(1.) If any person having the custody, charge, or care of a child allows that child to be in any street, premises, or place for any purpose which in reference to the street, premises, or place is forbidden in respect of that child by or in pursuance of section three of the principal Act as amended by this Act, that person shall be liable to the like penalties as if he had caused that child so to be in such street, premises, or place.

(2.) Section three of the principal Act shall be amended by inserting the words "premises or place" after "street" in paragraph (*a*), by substituting the words "nine p.m. and six a.m." for "ten p.m. and five a.m." in paragraph (*b*), and by substituting the word "eleven" for the word "ten" in paragraph (*c*).

(3.) If any person causes or procures any child, or, having the custody, charge, or care of any child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous, that person shall, unless he has a licence under section three of the principal Act, or is the parent or legal guardian of the child and himself trains the child, be liable to the same penalties as are provided by that section for the offences therein mentioned, and a licence under that section may be separately granted for the purposes of this enactment.

(4.) Where any person applies for a licence under section three of the principal Act he shall, at least seven days before making

the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly given under this section.

(5.) Where a licence is granted under section three of the principal Act to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable on summary conviction to a fine not exceeding five pounds.

(6.) Section three of the principal Act shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of the said section has been granted in writing under the hands of two justices of the peace.

Amendment of s. 4 of principal Act.

7.—(1.) Any constable may take into custody without warrant any person who has committed or who he has reason to believe has committed any offence under section one of the principal Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of that person is unknown to and cannot be ascertained by the constable, and the provisions of section four of the principal Act as to the release on bail of persons arrested without a warrant under that section shall apply to persons arrested without a warrant under this section.

(2.) Any constable may take any child, in respect of whom there is reason to believe that an offence under section one of the principal Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a court of summary jurisdiction.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence under section one of the principal Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this section, the court or justice may, without prejudice to any power under the principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and if a charge is made against any person within that time until the charge has been determined by the committal for trial or conviction

or discharge of that person, and an order under this section may be carried out notwithstanding that any person claims the custody of the child.

(4.) Where the place of safety to which a constable shall take a child is a workhouse, the master shall receive such child into the workhouse if there is suitable accommodation therein for the same, and shall detain such child until the case is determined, and any expenses incurred in respect of such child shall be deemed to be expenses incurred in the relief of the poor.

(5.) Boards of guardians, and, in Scotland, parochial boards, shall provide for the reception of children brought to a workhouse in pursuance of the principal Act or this Act.

Amendment of s. 5 of principal Act.

8.—(1.) An order under section five of the principal Act for the committal of a child to the custody of a relation or other person named by the court as therein provided may be made either in manner provided by that section or by the court before whom a person has been convicted, committed for trial, or bound over to keep the peace as mentioned in that section, and that court, if it thinks fit, may make the order at the time when such person is so dealt with, and without requiring new proceedings to be instituted for the purpose of the order.

(2.) Any such order, and also any subsequent order renewing, varying, or revoking the same, shall be in writing and may be made by the court in the absence of the child, and the consent of any person to undertake the custody of a child in pursuance of an order shall be proved in such manner as the court may think sufficient to bind him.

(3.) The said section shall have effect where a parent of the child has been convicted of or committed for trial for the offence, in like manner as where such parent is under committal for trial for having been, or has proved to have been, party or privy to the offence.

(4.) An order on the parent of a child to contribute to its maintenance may be made under sub-section two of the said section either at the time when the order for its committal to the custody of any person is made, or subsequently, and if a person fails to pay any sum payable by him in pursuance of an order under that sub-section, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or in Scotland were a sum decerned for aliment, or in Ireland were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts.

35 & 36 Vict. c. 65.

(5.) The limit on the amount of the weekly sum which the parent of a child may be required, under sub-section two of the said section, to contribute to its maintenance shall be one pound a week instead of the limit fixed by the Industrial Schools Acts.

(6.) The provisions of section five of the principal Act shall apply, in the case of a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, in the same manner as they apply

in the case of a person who is of the same religious persuasion as the child, but only so long as the undertaking is observed.

Restriction on power to emigrate child.

9. A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person under section five of the principal Act, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

Interchange of powers under Industrial Schools Acts and principal Act.

10.—(1.) Where a child is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering the child to be sent to an industrial school, may make an order under section five of the principal Act for the committal of the child to the care of a relation or person named by the court as therein provided.

(2.) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and, if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by section five of the principal Act until the time so specified or the time when the order actually takes effect.

Amendment of s. 6 of principal Act.

11.—(1.) It shall not be necessary in any information or warrant under section six of the principal Act to name the child.

(2.) A warrant issued under section six of the principal Act may authorise any person named in the warrant to remove a child, with or without search, to a place of safety, and detain it there until it can be brought before a court of summary jurisdiction, and the provisions of that section shall apply in the case of any such warrant as they apply in the case of a warrant to search for a child and take it to and detain it in a place of safety.

Extension of provisions of principal Act to other offences. 24 & 25 Vict. c. 100. 42 & 43 Vict. c. 34.

12. Sections four to nine, inclusive, of the principal Act, and the provisions of this Act shall apply in the case of any offence against a child under sections twenty-seven, forty-three, fifty-two, fifty-five, and fifty-six of the Offences against the Person Act, 1861, or in the case of any offence under the Children's Dangerous Performances Act, 1879, or in the case of any other offence involving bodily injury to a child, in the same manner as they apply in the case of an offence against section one of the principal Act, and a reference to the said offences shall be included in any reference in those sections and provisions to an offence under the principal Act or section one thereof.

Mode of charging offences and limitation of time.

13.—(1.) Where a person is charged with committing an offence under the principal Act or this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not

be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under the principal Act or this Act unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence under the principal Act or this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment the date of the acts constituting the offence.

Power to take deposition of child in writing.

14.—(1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child in respect of whom an offence under section one of the principal Act is alleged to have been committed would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof.

(2.) The justice taking any such deposition shall transmit the same with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(*b*) in any other case to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the same.

Admission of deposition of child in evidence.

15.—(1.) Where on the trial of any person on indictment for any offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under the Indictable Offences Act, 1848, or the Indictable Offences (Ireland) Act, 1849, or the Petty Sessions (Ireland) Act, 1851, or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

11 & 12 Vict. c. 42.
12 & 13 Vict. c. 69.
14 & 15 Vict. c. 93.

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*b*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or solicitor had or might have had, if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

(2.) Section eight of the principal Act shall be amended by inserting after the words "Petty Sessions (Ireland) Act, 1851," the words "or of section fourteen of the Prevention of Cruelty to "Children (Amendment) Act, 1894," and by inserting at the end of the section after the word "offenders" the words "or in Ireland, "by section four of the Summary Jurisdiction over Children "(Ireland) Act, 1884, in the case of children." 47 & 48 Vict. c. 19.

16. Where in any proceedings with relation to an offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child. Power to proceed with case in absence of child.

17. The provisions of the principal Act and this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child. Provision as to step-parent, &c.

18.—(1.) For the purposes of this Act, and of the principal Act as amended by this Act,— Definition of "custody, charge, or care."

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

(2.) The words "charge or care" shall be substituted for "control or charge" in section one, and for "or control" in section five, of the principal Act; and the word "custody" shall be substituted for "charge" in the said section five wherever the latter word is used in connexion with an order under that section or with any such undertaking by a relation of a child or other person as therein mentioned.

19. Unless the context otherwise requires— Definitions.

The expression "child" in this Act shall mean a boy or girl under the age of sixteen; and

The expression "injury to its health" in the principal Act shall be presumed to include injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement.

The expression "place of safety" shall both in the principal Act and in this Act include any workhouse or police station,

or any hospital surgery, or place of the like kind; and in the definition of place of safety in section seventeen of the principal Act the words "by byelaw" shall be repealed.

The expression "committed for trial" shall mean, as regards Ireland, committed to prison or admitted to bail in manner provided in the Summary Jurisdiction (Ireland) Acts.

The expression "Industrial Schools Acts" shall mean—

29 & 30 Vict. c. 118.

(*a*) as regards England and Scotland, the Industrial Schools Act, 1866, and the Acts amending the same; and

31 & 32 Vict. c. 25.

(*b*) as regards Ireland, the Industrial Schools Act (Ireland), 1868, and any Act amending the same.

The expression "chief officer of police" shall mean—

in England—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis,

elsewhere in England, the chief constable, or head constable or other officer, by whatever named called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Scotland—

the chief constable, or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Ireland—

in the police district of Dublin metropolis, the chief commissioner of the police for the said district; and

in any other police district the county inspector of the Royal Irish Constabulary.

Application to Ireland.

20. In the application of this Act to Ireland the Chief Secretary shall be substituted for a Secretary of State.

Application to Scotland.

21. In the application of this Act to Scotland the Secretary for Scotland shall be substituted for a Secretary of State, "manslaughter" shall mean culpable homicide, and "defendant" shall include panel, respondent, or person charged.

Short title and construction. 52 & 53 Vict. c. 44.

22.—(1.) This Act may be cited as the Prevention of Cruelty to Children (Amendment) Act, 1894, and shall be construed as one with the Prevention of Cruelty to and Protection of Children Act, 1889, and that Act and this Act may be cited together as the Prevention of Cruelty to Children Acts, 1889 and 1894.

(2.) This Act shall come into operation at the expiration of one month from the passing thereof.

CHAPTER 28.

An Act for providing for notice of and inquiry into Accidents occurring in certain Employments and Industries. [20th July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice to Board of Trade of accidents in certain employments.

1.—(1.) Where there occurs in any employment to which this section applies any accident which causes to any person employed therein either loss of life or such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work, his employer shall, as soon as possible and, in case of an accident not resulting in death, not later than six days after the occurrence of the accident, send to the Board of Trade notice in writing of the accident, specifying the time and place of its occurrence, its probable cause, the name and residence of any person killed or injured, the work on which any such person was employed at the time of the accident, and, in the case of an injury, the nature of the injury.

(2.) If any person wilfully makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

(3.) For the purpose of this section the expression "working "day" shall mean a day on which the person injured would, but for the injury, be employed in his ordinary work.

Application of provisions as to notice.

2.—(1.) Section one of this Act shall apply to the employments specified in the schedule to this Act.

(2.) If the Board of Trade are of opinion that any other employment in which twenty persons or more, not being domestic servants, are employed by the same employer, is specially dangerous to life or limb, the Board may, by order, direct that section one of this Act shall apply to that employment, and thereupon, while the order is in force, that section shall apply accordingly.

(3.) The Board of Trade may, by order, revoke or modify any order made under the foregoing powers, and modify or limit the application of section one of this Act to the employment specified in the schedule to this Act.

(4.) The Board of Trade may also, by order, require any further particulars to be specified in the notice to be sent in pursuance of section one of this Act.

(5.) Every order made under this section shall be notified in the London Gazette and in such other manner as may appear to the Board of Trade sufficient for giving publicity thereto, and shall be laid before both Houses of Parliament as soon as may be after it is made.

Power to hold formal investigation in case of serious accidents.

3. Where it appears to the Board of Trade that any accident involving loss of life or bodily injury is of sufficient importance to require a formal investigation of the accident, and of its causes and circumstances, the Board may by order direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

(1.) The Board may appoint a competent person to hold the investigation, and may appoint any person possessing legal, medical, or special knowledge to act as assessor in holding the investigation, and may assign to any such person such remuneration as the Board, with the approval of the Treasury, determine:

(2.) The person appointed to hold the investigation (herein-after called the court) shall hold the same in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned:

(3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and in addition the following powers; namely—

(*a.*) Power to enter and inspect, or to authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the court requisite for the said purpose;

(*b.*) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make;

(*c.*) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(*d.*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Every person attending as a witness before the court, and not being the employer of the person killed or injured, or in the employment of that employer, shall be allowed such expenses as would be allowed to a witness attending before a court of record, and in case of dispute as to the amount to be allowed the same shall be referred by the court to a master of the Supreme Court, who on request signed by the court shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Board of Trade, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Board may cause any such report to be made public in such manner as the Board think fit:

(6.) The court may order any costs and expenses incurred in and about an investigation under this section (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, if it finds that the accident was due to the act or default or negligence of that person; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by any court of summary jurisdiction as if the costs and expenses were a penalty imposed by the court: but subject to any such order such costs and expenses shall be deemed to be part of the expenses of the Board of Trade in the execution of this Act:

(7.) If any person without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable, on summary conviction, to a fine not exceeding ten pounds for every day that such failure continues.

Expenses of Board of Trade.

4. The expenses of the Board of Trade in the execution of this Act shall be defrayed out of moneys to be provided by Parliament.

Application to Government departments.

5. This Act shall apply in the case of accidents occurring to persons employed by a department of the Government, and in such cases the notice to be given by the employer shall be given by such person as the department by general rule direct.

Savings.

6. Nothing in this Act shall apply to any employment which is for the time being regulated by any Act of Parliament administered by the Secretary of State or by inspectors appointed by him, or shall require notice to be given of any accident of which notice is required by any other Act to be given to the Board of Trade.

Application to Scotland.

7. In the application of this Act to Scotland—

The expression "court of summary jurisdiction" shall mean the sheriff:

The expression "master of the Supreme Court" shall mean the auditor of the Court of Session:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Scotland, be notified in the Edinburgh Gazette.

Application to Ireland.

8. In the application of this Act to Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Ireland, be notified in the Dublin Gazette.

Short title.

9. This Act may be cited as the Notice of Accidents Act, 1894.

SCHEDULE.

1. Construction, use, working, or repair of any railway, tramroad, tramway, gaswork, canal, bridge, tunnel, harbour, dock, port, pier, quay, or other work authorised by any local or personal Act of Parliament.

2. Construction or repair by means of a scaffolding of any building which exceeds thirty feet in height, or use or working of any such building in which more than twenty persons, not being domestic servants, are employed for wages.

3. Use or working of any traction engine or other engine or machine worked by steam in the open air.

CHAPTER 29.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five.

[31st July 1894.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 17,715,550*l.* out of the Consolidated Fund for the service of the year ending 31st March 1895.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, the sum of seventeen million seven hundred and fifteen thousand five hundred and fifty pounds.

Power to the Treasury to borrow.

2. The Treasury may borrow from any person, and the Bank of England may lend on the credit of the said sum, any sum or sums not exceeding in the whole the sum of seventeen million seven hundred and fifteen thousand five hundred and fifty pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of the Exchequer, and shall form part of the said

Consolidated Fund, and be available in any manner in which such fund is available.

3. This Act may be cited as the Consolidated Fund (No. 3) Act, 1894. Short title.

CHAPTER 30.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year. [31st July 1894.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

ESTATE DUTY.

Grant of Estate Duty.

1. In the case of every person dying after the commencement of this Part of this Act, there shall, save as herein-after expressly provided, be levied and paid, upon the principal value ascertained as herein-after provided of all property, real or personal, settled or not settled, which passes on the death of such person a duty, called "Estate duty," at the graduated rates herein-after mentioned, and the existing duties mentioned in the First Schedule to this Act shall not be levied in respect of property chargeable with such Estate duty. Grant of Estate duty.

2.—(1.) Property passing on the death of the deceased shall be deemed to include the property following, that is to say:— What property is deemed to pass.

(*a.*) Property of which the deceased was at the time of his death competent to dispose;

(*b.*) Property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the cesser of such

interest; but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office, or recipient of the benefits of a charity, or as a corporation sole;

(*c.*) Property which would be required on the death of the deceased to be included in an account under section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by section eleven of the Customs and Inland Revenue Act, 1889, if those sections were herein enacted and extended to real property as well as personal property, and the words "voluntary" and "voluntarily" and a reference to a "volunteer" were omitted therefrom; and

44 & 45 Vict. c. 12. 52 & 53 Vict. c. 7.

(*d.*) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

(2.) Property passing on the death of the deceased when situate out of the United Kingdom shall be included only, if, under the law in force before the passing of this Act, legacy or succession duty is payable in respect thereof, or would be so payable but for the relationship of the person to whom it passes.

(3.) Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person, under a disposition not made by the deceased, or under a disposition made by the deceased more than twelve months before his death where possession and enjoyment of the property was bonâ fide assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him by contract or otherwise.

Exception for transactions for money consideration.

3.—(1.) Estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a bonâ fide purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(2.) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of Estate duty.

Aggregation of property to form one estate for purpose of duty.

4. For determining the rate of Estate duty to be paid on any property passing on the death of the deceased, all property so passing in respect of which Estate duty is leviable shall be aggregated

so as to form one estate, and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing, in which the deceased never had an interest, or which under a disposition not made by the deceased passes immediately on the death of the deceased to some person other than the wife or husband or a lineal ancestor or lineal descendant of the deceased, shall not be aggregated with any other property but shall be an estate by itself, and the Estate duty shall be levied at the proper graduated rate on the principal value thereof; but if any benefit under a disposition not made by the deceased is reserved or given to the wife or husband or a lineal ancestor or lineal descendant of the deceased, such benefit shall be aggregated with property of the deceased for the purpose of determining the rate of Estate duty.

Settled property.

5.—(1.) Where property in respect of which Estate duty is leviable, is settled by the will of the deceased, or having been settled by some other disposition passes under that disposition on the death of the deceased to some person not competent to dispose of the property,—

(*a*) a further Estate duty (called settlement Estate duty) on the principal value of the settled property shall be levied at the rate herein-after specified, except where the only life interest in the property after the death of the deceased is that of a wife or husband of the deceased; but

(*b*) during the continuance of the settlement the settlement Estate duty shall not be payable more than once.

(2.) If Estate duty has already been paid in respect of any settled property since the date of the settlement, the Estate duty shall not, nor shall any of the duties mentioned in the fifth paragraph of the First Schedule to this Act, be payable in respect thereof, until the death of a person who was at the time of his death or had been at any time during the continuance of the settlement competent to dispose of such property.

(3.) In the case of settled property, where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death.

(4.) Any person paying the settlement Estate duty payable under this section upon property comprised in a settlement, may deduct the amount of the ad valorem stamp duty (if any) charged on the settlement in respect of that property.

(5.) Where any lands or chattels are so settled, whether by Act of Parliament or royal grant, that no one of the persons successively in possession thereof is capable of alienating the same, whether his interest is in law a tenancy for life or a tenancy in tail, the provisions of this Act with respect to settled property shall not apply, and the property passing on the death of any person in possession of the lands and chattels shall be the interest of his successor in the lands and chattels, and such interest shall be valued, for the purpose

of Estate duty, in like manner as for the purpose of Succession duty.

Collection and Recovery of Duty and Value of Property.

Collection and recovery of Estate duty.

6.—(1.) Estate duty shall be a stamp duty, collected and recovered as herein-after mentioned.

(2.) The executor of the deceased shall pay the Estate duty in respect of all personal property (wheresoever situate) of which the deceased was competent to dispose at his death, on delivering the Inland Revenue affidavit, and may pay in like manner the Estate duty in respect of any other property passing on such death, which by virtue of any testamentary disposition of the deceased is under the control of the executor, or, in the case of property not under his control, if the persons accountable for the duty in respect thereof request him to make such payment.

(3.) Where the executor does not know the amount or value of any property which has passed on the death, he may state in the Inland Revenue affidavit that such property exists, but he does not know the amount or value thereof, and that he undertakes, as soon as the amount and value are ascertained, to bring in an account thereof, and to pay both the duty for which he is or may be liable, and any further duty payable by reason thereof for which he is or may be liable in respect of the other property mentioned in the affidavit.

(4.) Estate duty, so far as not paid by the executor, shall be collected upon an account setting forth the particulars of the property, and delivered to the Commissioners within six months after the death by the person accountable for the duty, or within such further time as the Commissioners may allow.

(5.) Every estate shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

(6.) Interest at the rate of three per cent. per annum on the Estate duty shall be paid from the date of the death up to the date of the delivery of the Inland Revenue affidavit or account, or the expiration of six months after the death, whichever first happens, and shall form part of the Estate duty.

(7.) The duty which is to be collected upon an Inland Revenue affidavit or account shall be due on the delivery thereof, or on the expiration of six months from the death, whichever first happens.

(8.) Provided that the duty due upon an account of real property may, at the option of the person delivering the account, be paid by eight equal yearly instalments, or sixteen half-yearly instalments, with interest at the rate of three per cent. per annum from the date at which the first instalment is due, less income tax, and the first instalment shall be due at the expiration of twelve months from the death, and the interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly; but the duty for the time being unpaid, with such interest to the date of payment, may be paid at any time, and in case the

property is sold, shall be paid on completion of the sale, and if not so paid shall be duty in arrear.

Value of property.

7.—(1.) In determining the value of an estate for the purpose of Estate duty allowance shall be made for reasonable funeral expenses and for debts and incumbrances; but an allowance shall not be made—

(*a*) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless such debts or incumbrances were incurred or created bonâ fide for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest, nor

(*b*) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained, nor

(*c*) more than once for the same debt or incumbrance charged upon different portions of the estate;

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the land or other subjects of property liable thereto.

(2.) An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the United Kingdom, (unless contracted to be paid in the United Kingdom, or charged on property situate within the United Kingdom), except out of the value of any personal property of the deceased situate out of the United Kingdom in respect of which Estate duty is paid; and there shall be no repayment of Estate duty in respect of any such debts, except to the extent to which it is shown to the satisfaction of the Commissioners, that the personal property of the deceased situate in the foreign country or British possession in which the person to whom such debts are due resides, is insufficient for their payment.

(3) Where the Commissioners are satisfied that any additional expense in administering or in realising property has been incurred by reason of the property being situate out of the United Kingdom, they may make an allowance from the value of the property on account of such expense not exceeding in any case five per cent. on the value of the property.

(4.) Where any property passing on the death of the deceased is situate in a foreign country, and the Commissioners are satisfied that by reason of such death any duty is payable in that foreign country in respect of that property, they shall make an allowance of the amount of that duty from the value of the property.

(5.) The principal value of any property shall be estimated to be the price which, in the opinion of the Commissioners, such property would fetch if sold in the open market at the time of the death of the deceased;

Provided that, in the case of any agricultural property, where no part of the principal value is due to the expectation of an increased income from such property, the principal value shall not exceed twenty-five times the annual value as assessed under Schedule A. of the Income Tax Acts, after making such deductions as have not

16 & 17 Vict. c. 51.

been allowed in that assessment and are allowed under the Succession Duty Act, 1853, and making a deduction for expenses of management not exceeding five per cent. of the annual value so assessed.

(6.) Where an estate includes an interest in expectancy, Estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession, and if the duty is not paid with the Estate duty in respect of the rest of the estate, then—

(*a*) for the purpose of determining the rate of Estate duty in respect of the rest of the estate the value of the interest shall be its value at the date of the death of the deceased; and

(*b*) the rate of Estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

(7.) The value of the benefit accruing or arising from the cesser of an interest ceasing on the death of the deceased shall—

(*a*) if the interest extended to the whole income of the property, be the principal value of that property; and

(*b*) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

(8.) Subject to the provisions of this Act, the value of any property for the purpose of Estate duty shall be ascertained by the Commissioners in such manner and by such means as they think fit, and, if they authorise a person to inspect any property and report to them the value thereof for the purposes of this Act, the person having the custody or possession of that property shall permit the person so authorised to inspect it at such reasonable times as the Commissioners consider necessary.

(9.) Where the Commissioners require a valuation to be made by a person named by them, the reasonable costs of such valuation shall be defrayed by the Commissioners.

(10.) Property passing on any death shall not be aggregated more than once, nor shall Estate duty in respect thereof be more than once levied on the same death.

Supplemental provisions as to collection, recovery, and repayment of and exemption from Estate duty.

8.—(1.) The existing law and practice relating to any of the duties now leviable on or with reference to death shall, subject to the provisions of this Act and so far as the same are applicable, apply for the purposes of the collection, recovery, and repayment of Estate duty, and for the exemption of the property of common seamen marines or soldiers who are slain or die in the service of Her Majesty, and for the purpose of payment of sums under one hundred pounds without requiring representation, as if such law and practice were in terms made applicable to this Part of this Act.

52 & 53 Vict. c. 7. 54 & 55 Vict. c. 66.

(2.) Sections twelve to fourteen of the Customs and Inland Revenue Act, 1889, and section forty-seven of the Local Registration of Title (Ireland) Act, 1891, shall apply as if Estate duty were

therein mentioned as well as Succession duty, and as if an account were not settled within the meaning of any of the above sections until the time for the payment of the duty on such account has arrived.

(3.) The executor of the deceased shall, to the best of his knowledge and belief, specify in appropriate accounts annexed to the Inland Revenue affidavit all the property in respect of which Estate duty is payable upon the death of the deceased, and shall be accountable for the Estate duty in respect of all personal property wheresoever situate of which the deceased was competent to dispose at his death, but shall not be liable for any duty in excess of the assets which he has received as executor, or might but for his own neglect or default have received.

(4.) Where property passes on the death of the deceased, and his executor is not accountable for the Estate duty in respect of such property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the Estate duty on the property, and shall, within the time required by this Act or such later time as the Commissioners allow, deliver to the Commissioners and verify an account, to the best of his knowledge and belief, of the property: Provided that nothing in this section contained shall render a person accountable for duty who acts merely as agent or bailiff for another person in the management of property.

(5.) Every person accountable for Estate duty, and every person whom the Commissioners believe to have taken possession of or administered any part of the estate in respect of which duty is leviable on the death of the deceased, or of the income of any part of such estate, shall, to the best of his knowledge and belief, if required by the Commissioners, deliver to them and verify a statement of such particulars together with such evidence as they require relating to any property which they have reason to believe to form part of an estate in respect of which Estate duty is leviable on the death of the deceased.

(6.) A person who wilfully fails to comply with any of the foregoing provisions of this section shall be liable to pay one hundred pounds, or a sum equal to double the amount of the Estate duty, if any, remaining unpaid for which he is accountable, according as the Commissioners elect: Provided that the Commissioners, or in any proceeding for the recovery of such penalty the Court, shall have power to reduce any such penalty.

(7.) Estate duty shall, in the first instance, be calculated at the appropriate rate according to the value of the estate as set forth in the Inland Revenue affidavit or account delivered, but if afterwards it appears that for any reason too little duty has been paid, the additional duty shall, unless a certificate of discharge has

been delivered under this Act, be payable, and be treated as duty in arrear.

(8.) The Commissioners on application from a person accountable for the duty on any property forming part of an estate shall, where they consider that it can conveniently be done, certify the amount of the valuation accepted by them for any class or description of property forming part of such estate.

(9.) Where the Commissioners are satisfied that the Estate duty leviable in respect of any property cannot without excessive sacrifice be raised at once, they may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding four per cent. or any higher interest yielded by the property, and on such terms, as the Commissioners think fit.

(10.) Interest on arrears of Estate duty shall be paid as if they were arrears of legacy duty.

(11.) If after the expiration of twenty years from a death upon which Estate duty became leviable any such duty remains unpaid, the Commissioners may, if they think fit, on the application of any person accountable or liable for such duty or interested in the property, remit the payment of such duty or any part thereof or any interest thereon.

(12.) Where it is proved to the satisfaction of the Commissioners that too much Estate duty has been paid, the excess shall be repaid by them, and in cases where the over-payment was due to over-valuation by the Commissioners, with interest at three per cent. per annum.

(13.) Where any proceeding for the recovery of Estate duty in respect of any property is instituted, the High Court shall have jurisdiction to appoint a receiver of the property and the rents and profits thereof, and to order a sale of the property.

(14.) All affidavits, accounts, certificates, statements, and forms used for the purpose of this Part of this Act shall be in such form, and contain such particulars, as may be prescribed, and if so required by the Commissioners shall be in duplicate, and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed, and any person who wilfully fails to comply with the provisions of this enactment shall be liable to the penalty above in this section mentioned.

(15.) No charge shall be made for any certificate given by the Commissioners under this Act.

(16.) The Estate duty may be collected by means of stamps or such other means as the Commissioners prescribe.

(17.) The form of certificate required to be given by the proper officer of the court under section thirty of the Customs and Inland Revenue Act, 1881, may be varied by a rule of court in such manner as may appear necessary for carrying into effect this Act.

44 & 45 Vict. c. 12.

(18.) Nothing in this section shall render liable to or accountable for duty a bonâ fide purchaser for valuable consideration without notice.

9.—(1.) A rateable part of the Estate duty on an estate, in proportion to the value of any property which does not pass to the executor as such, shall be a first charge on the property in respect of which duty is leviable; provided that the property shall not be so chargeable as against a bonâ fide purchaser thereof for valuable consideration without notice.

Charge of Estate duty on property, and facilities for raising it.

(2.) On an application submitting in the prescribed form the description of the lands or other subjects of property (whether hereditaments, stocks, funds, shares, or securities), and of the debts and incumbrances allowed by the Commissioners in assessing the value of the property for the purposes of Estate duty, the Commissioners shall grant a certificate of the Estate duty paid in respect of the property, and specify the debts and incumbrances so allowed, as well as the lands or other subjects of property.

(3.) Subject to any repayment of Estate duty arising from want of title to the land or other subjects of property, or from the existence of any debt or incumbrance thereon for which under this Act an allowance ought to have been but has not been made, or from any other cause, the certificate of the Commissioners shall be conclusive evidence that the amount of duty named therein is a first charge on the lands or other subjects of property after the debts and incumbrances allowed as aforesaid: Provided that any such repayment of duty by the Commissioners shall be made to the person producing to them the said certificate.

(4.) If the rateable part of the Estate duty in respect of any property is paid by the executor, it shall where occasion requires be repaid to him by the trustees or owners of the property, but if the duty is in respect of real property, it may, unless otherwise agreed upon, be repaid by the same instalments and with the same interest as are in this Act mentioned.

(5.) A person authorised or required to pay the Estate duty in respect of any property shall, for the purpose of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof.

(6.) A person having a limited interest in any property, who pays the Estate duty in respect of that property, shall be entitled to the like charge, as if the Estate duty in respect of that property had been raised by means of a mortgage to him.

(7.) Any money arising from the sale of property comprised in a settlement, or held upon trust to lay out upon the trusts of a settlement, and capital money arising under the Settled Land Act, 1882, may be expended in paying any Estate duty in respect of property comprised in the settlement and held upon the same trusts.

45 & 46 Vict. c. 38.

10.—(1.) Any person aggrieved by the decision of the Commissioners with respect to the repayment of any excess of duty paid, or by the amount of duty claimed by the Commissioners, whether on the ground of the value of any property or the rate

Appeal from Commissioners.

charged or otherwise, may, on payment of, or giving security as herein-after mentioned for, the duty claimed by the Commissioners or such portion of it as is then payable by him, appeal to the High Court within the time and in the manner and on the conditions directed by rules of Court, and the amount of duty shall be determined by the High Court, and if the duty as determined is less than that paid to the Commissioners the excess shall be repaid.

(2.) No appeal shall be allowed from any order, direction, determination, or decision of the High Court in any appeal under this section except with the leave of the High Court or Court of Appeal.

(3.) The costs of the appeal shall be in the discretion of the Court, and the Court, where it appears to the Court just, may order the Commissioners to pay on any excess of duty repaid by them interest at the rate of three per cent. per annum for such period as appears to the Court just.

(4.) Provided that the High Court, if satisfied that it would impose hardship to require the appellant, as a condition of an appeal, to pay the whole or, as the case may be, any part of the duty claimed by the Commissioners or of such portion of it as is then payable by him, may allow an appeal to be brought on payment of no duty, or of such part only of the duty as to the Court seems reasonable, and on security to the satisfaction of the Court being given for the duty, or so much of the duty as is not so paid, but in such case the Court may order interest at the rate of three per cent. per annum to be paid on the unpaid duty so far as it becomes payable under the decision of the Court.

(5.) Where the value as alleged by the Commissioners of the property in respect of which the dispute arises does not exceed ten thousand pounds, the appeal under this section may be to the county court for the county or place in which the appellant resides or the property is situate, and this section shall for the purpose of the appeal apply as if such county court were the High Court.

(6.) The county council of every county or county borough in Great Britain, shall within twelve months after the commencement of this Act, and may thereafter from time to time, appoint a sufficient number of qualified persons to act as valuers for the purposes of this Act in their respective counties, and shall fix a scale of charges for the remuneration of such persons, and the Court may refer any question of disputed value under this section to the arbitration of any person so appointed for the county in which the appellant resides or the property is situate; and the costs of any such arbitration shall be part of the costs of the appeal.

Discharge from and Apportionment of Duty.

Release of persons paying Estate duty.

11.—(1.) The Commissioners on being satisfied that the full Estate duty has been or will be paid in respect of an estate or

any part thereof shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for Estate duty the property shown by the certificate to form the estate or part thereof as the case may be.

(2.) Where a person accountable for the Estate duty in respect of any property passing on a death applies after the lapse of two years from such death to the Commissioners, and delivers to them and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Commissioners may determine the rate of the Estate duty in respect of the property for which the applicant is accountable, and on payment of the duty at that rate, that property and the applicant so far as regards that property shall be discharged from any further claim for Estate duty, and the Commissioners shall give a certificate of such discharge.

(3.) A certificate of the Commissioners under this section shall not discharge any person or property from Estate duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which duty has been already accounted for,

(4.) Provided nevertheless that a certificate purporting to be a discharge of the whole Estate duty payable in respect of any property included in the certificate shall exonerate a bonâ fide purchaser for valuable consideration without notice from the duty notwithstanding any such fraud or failure.

Commutation of duty on interest in expectancy.

12. The Commissioners in their discretion, upon application by a person entitled to an interest in expectancy, may commute the Estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest being reckoned at three per cent.; and on the receipt of such sum they shall give a certificate of discharge accordingly.

Powers to accept composition for death duties.

13.—(1.) Where, by reason of the number of deaths on which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of death duties or any of them payable in respect of any property or any interest therein, or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Commissioners on the application of any person accountable for any duty thereon, and upon his giving to them all the information in his power respecting the amount of the property and

the several interests therein, and other circumstances of the case, may by way of composition for all or any of the death duties payable in respect of the property, or interest, and the various interests therein, or any of them, assess such sum on the value of the property, or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed, in full discharge of all claims for death duties in respect of such property or interest, and shall give a certificate of discharge accordingly;

(2.) Provided that the certificate shall not discharge any person from any duty in case of fraud or failure to disclose material facts.

(3.) In this section the expression "death duties" means the Estate duty under this Act, the duties mentioned in the First Schedule to this Act and the legacy and succession duties, and the duty payable on any representation or inventory under any Act in force before the Customs and Inland Revenue Act, 1881.

44 & 45 Vict. c. 12.

Apportionment of duty.

14.—(1.) In the case of property which does not pass to the executor as such, an amount equal to the proper rateable part of the Estate duty may be recovered by the person, who being authorised or required to pay the Estate duty in respect of any property has paid such duty, from the person entitled to any sum charged on such property, (whether as capital or as an annuity or otherwise,) under a disposition not containing any express provision to the contrary.

(2.) Any dispute as to the proportion of Estate duty to be borne by any property or person, may be determined upon application by any person interested in manner directed by Rules of Court, either by the High Court, or, where the amount in dispute is less than fifty pounds, by a county court for the county or place in which the person recovering the same resides, or the property in respect of which the duty is paid is situate.

(3.) Any person from whom a rateable part of Estate duty can be recovered under this section shall be bound by the accounts and valuations as settled between the person entitled to recover the same and the Commissioners.

Exemptions from Estate duty.

15.—(1.) Estate duty shall not be payable in respect of a single annuity not exceeding twenty-five pounds purchased or provided by the deceased, either by himself alone or in concert or arrangement with any other person, for the life of himself and of some other person and the survivor of them, or to arise on his own death in favour of some other person; and if in any case there is more than one such annuity, the annuity first granted shall be alone entitled to the exemption under this section.

(2.) It shall be lawful for the Treasury to remit the Estate duty, or any other duty leviable on or with reference to death, in respect of any such pictures, prints, books, manuscripts, works of art or scientific collections, as appear to the Treasury to be of national, scientific, or historic interest, and to be given or bequeathed for national purposes, or to any university, or to any county council or

municipal corporation, and no property the duty in respect of which is so remitted shall be aggregated with any other property for the purpose of fixing the rate of Estate duty.

(3.) Estate duty shall not be payable in respect of any pension or annuity payable by the Government of British India to the widow or child of any deceased officer of such Government, notwithstanding that the deceased contributed during his lifetime to any fund out of which such pension or annuity is paid.

(4.) Estate duty shall not be payable in respect of any advowson or church patronage which would have been free from succession duty under section twenty-four of the Succession Duty Act, 1853. 16 & 17 Vict. c. 51.

Small Estates.

Provision for estates not exceeding 1,000*l*. 44 & 45 Vict. c. 12.

16.—(1.) The provisions of sections thirty-three, thirty-five, and thirty-six of the Customs and Inland Revenue Act, 1881, (relating to the obtaining of representation to the deceased where the gross value of his personal estate does not exceed three hundred pounds,) shall apply with the necessary modifications to the case where the gross value of the property real and personal in respect of which Estate duty is payable on the death of the deceased, exclusive of property settled otherwise than by the will of the deceased, does not exceed five hundred pounds, and where the gross value does not exceed three hundred pounds the fixed duty shall be thirty shillings, and where the gross value exceeds three hundred pounds and does not exceed five hundred pounds the fixed duty shall be fifty shillings.

(2.) All such property may be comprised in the notice under the said section thirty-three.

(3.) Where the net value of the property, real and personal, in respect of which Estate duty is payable on the death of the deceased, exclusive of property settled otherwise than by the will of the deceased, does not exceed one thousand pounds, such property, for the purpose of Estate duty, shall not be aggregated with any other property, but shall form an estate by itself; and where the fixed duty or Estate duty has been paid upon the principal value of that estate, the settlement Estate duty and the legacy and succession duties shall not be payable under the will or intestacy of the deceased in respect of that estate.

(4.) Where representation granted under this section if granted in England extends to property in Ireland, and if granted in Ireland extends to property in England, the principal registrar of the Probate Division of the High Court in England or Ireland, as the case may be, shall affix the seal of the court thereto on the same being sent to him for that purpose, with the fee of two shillings and sixpence.

(5.) Where the fixed duty of thirty or fifty shillings is paid within twelve months after the death of the deceased, interest on such duty shall not be payable.

Rates of Estate Duty.

Scale of rates of Estate duty

17. The rates of Estate duty shall be according to the following scale :—

Where the Principal Value of the Estate					Estate Duty shall be payable at the Rate per cent. of
	£			£	
Exceeds	100	and does not exceed		500	One pound.
"	500	"	"	1,000	Two pounds.
"	1,000	"	"	10,000	Three pounds.
"	10,000	"	"	25,000	Four pounds.
"	25,000	"	"	50,000	Four pounds ten shillings.
"	50,000	"	"	75,000	Five pounds.
"	75,000	"	"	100,000	Five pounds ten shillings.
"	100,000	"	"	150,000	Six pounds.
"	150,000	"	"	250,000	Six pounds ten shillings.
"	250,000	"	"	500,000	Seven pounds.
"	500,000	"	"	1,000,000	Seven pounds ten shillings
"	1,000,000				Eight pounds.

The rate of the settlement Estate duty where the property is settled shall be one per cent.

Provided that for any fractional part of ten pounds over ten pounds or any multiple thereof, the Estate duty and the settlement Estate duty shall be payable at the rate per cent. for the full sum of ten pounds.

Succession Duty.

Value of real successions for succession duty.

18.—(1.) The value for the purpose of succession duty of a succession to real property arising on the death of a deceased person shall, where the successor is competent to dispose of the property, be the principal value of the property, after deducting the Estate duty payable in respect thereof on the said death and the expenses if any properly incurred of raising and paying the same; and the duty shall be a charge on the property, and shall be payable by the same instalments as are authorised by this Act for Estate duty on real property, with interest at the rate of three per cent. per annum, and the first instalment shall be payable and the interest shall begin to run at the expiration of twelve months after the date on which the successor became entitled in possession to his succession or to the receipt of the income and profit thereof; and after the expiration of the said twelve months the provisions with respect to discount shall not apply.

(2.) The principal value of real property for the purpose of succession duty shall be ascertained in the same manner as it would be ascertained under the provisions of this Act for the purpose of Estate duty; and in the case of any agricultural property where no part of the principal value is due to the expectation of an increased income from such property, the annual value for the purpose of succession duty shall be arrived at in the same manner as under the provisions of this Part of this Act for the purpose of Estate duty.

Local Taxation Grant.

Adaptation of law as to probate duty grant

19. In substitution for the grant out of the probate duties under the Local Government Act, 1888, the Probate Duty (Scotland and

Ireland) Act, 1888, and the Local Government (Scotland) Act, 1889, there shall be paid, out of the proceeds of the Estate duty derived from personal property, such sum as the Commissioners, in accordance with regulations made by the Treasury under those Acts, may determine to be an amount equal to one and a half per cent. on the net value of such of the property in respect of which Estate duty is leviable as would, if this Act had not been passed, have been chargeable with the duty imposed by section twenty-seven of the Customs and Inland Revenue Act, 1881, on Inland Revenue affidavits, and the first-mentioned Acts shall apply, as if the sum so determined were the probate duty grant or one half of the proceeds of the sums collected in respect of the probate duties (as the case requires) within the meaning of those Acts.

51 & 52 Vict. cc. 41 and 60. 52 & 53 Vict. c. 50.

44 & 45 Vict. c. 12.

British Possessions.

Exception as to property in British possessions

20.—(1.) Where the Commissioners are satisfied, that in a British possession to which this section applies, duty is payable by reason of a death in respect of any property situate in such possession and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the Estate duty payable in respect of that property on the same death.

(2.) Nothing in this Act shall be held to create a charge for Estate duty on any property situate in a British possession, while so situate, or to authorise the Commissioners to take any proceedings in a British possession for the recovery of any Estate duty.

(3.) Her Majesty the Queen may, by Order in Council, apply this section to any British possession, where Her Majesty is satisfied that, by the law of such possession, either no duty is leviable in respect of property situate in the United Kingdom when passing on death, or that the law of such possession as respects any duty so leviable is to the like effect as the foregoing provisions of this section.

(4.) Her Majesty in Council may revoke any such Order, where it appears that the law of the British possession has been so altered that it would not authorise the making of an Order under this section.

Savings and Definitions.

Savings.

21.—(1.) Estate duty shall not be payable on the death of a deceased person in respect of personal property settled by a will or disposition made by a person dying before the commencement of this Part of this Act, in respect of which property any duty mentioned in paragraphs one and two of the First Schedule to this Act, or the duty payable on any representation or inventory under any Act in force before the Customs and Inland Revenue Act, 1881, has been paid or is payable, unless in either case the deceased was at the time of his death, or at any time since the will or disposition took effect had been, competent to dispose of the property.

44 & 45 Vict. c. 12

(2.) Where a person died before the commencement of this Part of this Act, the duties mentioned in the First Schedule to this

Act shall continue to be payable in like manner in all respects as if this Act had not passed.

(3.) Where an interest in expectancy in any property has, before the commencement of this Part of this Act, been bonâ fide sold or mortgaged for full consideration in money or money's worth, then no other duty on such property shall be payable by the purchaser or mortgagee when the interest falls into possession, than would have been payable if this Act had not passed; and in the case of a mortgage, any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

(4.) The settlement Estate duty of one per cent. shall not be payable in respect of property settled by a disposition which has taken effect before the commencement of this Part of this Act.

(5.) Where a husband or wife is entitled, either solely or jointly with the other, to the income of any property settled by the other under a disposition which has taken effect before the commencement of this Part of this Act, and on his or her death the survivor becomes entitled to the income of the property settled by such survivor, Estate duty shall not be payable in respect of that property until the death of the survivor.

Definitions.

22.—(1.) In this Part of this Act, unless the context otherwise requires:—

(*a.*) The expressions "deceased person" and "the deceased" mean a person dying after the commencement of this Part of this Act:

(*b.*) The expression "will" includes any testamentary instrument:

(*c.*) The expression "representation" means probate of a will or letters of administration:

(*d.*) The expression "executor" means the executor or administrator of a deceased person, and includes, as regards any obligation under this Part of this Act, any person who takes possession of or intermeddles with the personal property of a deceased person:

(*e.*) The expression "Estate duty" means Estate duty under this Act:

(*f.*) The expression "property" includes real property and personal property and the proceeds of sale thereof respectively and any money or investment for the time being representing the proceeds of sale:

(*g.*) The expression "agricultural property" means agricultural land pasture and woodland, and also includes such cottages, farm buildings, farm houses, and mansion houses (together with the lands occupied therewith) as are of a character appropriate to the property:

(*h.*) The expression "settled property" means property comprised in a settlement:

(*i.*) The expression "settlement" means any instrument, whether relating to real property or personal property, which is a settlement within the meaning of section two of the Settled Land Act, 1882, or if it related to real property would be a

45 & 46 Vict. c. 38.

settlement within the meaning of that section, and includes a settlement effected by a parol trust:

(*j.*) The expression "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent, but does not include reversions expectant upon the determination of leases:

(*k.*) The expression "incumbrances" includes mortgages and terminable charges:

(*l.*) The expression "property passing on the death" includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and the expression "on the death" includes "at a period ascertainable only by reference to the death:"

(*m.*) The expression "the Commissioners" means the Commissioners of Inland Revenue:

(*n.*) The expression "Inland Revenue affidavit" means an affidavit made under the enactments specified in the Second Schedule to this Act with the account and schedule annexed thereto:

(*o.*) The expression "prescribed" means prescribed by the Commissioners.

(2.) For the purposes of this Part of this Act—

(*a.*) A person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were sui juris, enable him to dispose of the property, including a tenant in tail whether in possession or not; and the expression "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exerciseable by instrument inter vivos or by will, or both, but exclusive of any power exerciseable in a fiduciary capacity under a disposition not made by himself, or exerciseable as tenant for life under the Settled Land Act, 1882, or as mortgagee: 45 & 46 Vict. c. 38.

(*b.*) A disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required:

(*c.*) Money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.

(3.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate in dower or by the courtesy or any other like estate, in like manner as it applies to property settled by the will of the deceased.

Application to Scotland.

23. In the application of this Part of this Act to Scotland unless the context otherwise requires:— Application of Part of Act to Scotland.

(1.) The Court of Session shall be substituted for the High Court:

(2.) "Sheriff court" shall be substituted for "county court:"

(3.) "Confirmation" shall be substituted for "representation:"

(4.) The expression "receiver of the property and of the rents and profits thereof," means a judicial factor upon the property:

(5.) The expression "Inland Revenue affidavit," means the inventory of the personal estate of a deceased now required by law, and includes an additional inventory:

(6.) The expression "on delivering the Inland Revenue affidavit" means on exhibiting and recording a duly stamped inventory as provided by section thirty-eight of the Act of the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-nine:

44 & 45 Vict. c. 12.

(7.) Section thirty-four of the Customs and Inland Revenue Act, 1881, shall be substituted for section thirty-three of that Act, and the Acts referred to in such section thirty-four shall extend to an estate of a gross value not exceeding five hundred pounds, and an application under the said Acts may be made to any commissary clerk, and any commissary clerk shall affix the seal of the court to any representation granted in England or Ireland upon the same being sent to him for that purpose, enclosing a fee of two shillings and sixpence:

(8.) The expression "personal property" means moveable property:

(9.) The expression "real property" includes heritable property:

(10.) The expression "incumbrance" includes any heritable security, or other debt or payment secured upon heritage:

(11.) The expression "executor" means every person who as executor, nearest of kin, or creditor, or otherwise, intromits with or enters upon the possession or management of any personal property of a deceased person:

(12.) The property comprised in any special assignation or disposition taking effect on death shall be deemed to pass on death within the meaning of this Act:

(13.) The expression "trustee" includes a tutor, curator, and judicial factor:

(14.) The expression "settled property" shall not include property held under entail:

(15.) An institute or heir of entail in possession of an entailed estate shall whether sui juris or not be deemed for the purposes of this Act to be a person competent to dispose of such estate:

(16.) Where an entailed estate passes on the death of the deceased to an institute or heir of entail, who is not entitled to disentail such estate without either obtaining the consent of one or more subsequent heirs of entail or having the consent of such one or more subsequent heirs valued and dispensed with, settlement Estate duty as well as Estate duty shall be paid in respect of such estate, but neither Estate duty nor settlement Estate duty shall be payable again in respect of such estate, until such estate is disentailed, or until an heir of entail to whom it passes on or subsequent to the death of the institute or heir first mentioned, and who is entitled to disentail it without obtaining the consent of any subsequent heir or heirs or having the consent of any subsequent heir or heirs valued and dispensed with, dies:

(17.) Where an institute or heir of entail in possession of an entailed estate, who is not entitled to disentail such estate without either obtaining the consent of one or more subsequent heirs of entail or having the consent of such one or more subsequent heirs valued and dispensed with, has paid Estate duty in respect of such estate, and afterwards disentails such estate, he shall be entitled to deduct from the value in money of the expectancy or interest in such estate of such one or more subsequent heirs, payable by him to them in respect of their consents having been granted or dispensed with, a proper rateable part of the Estate duty paid by him as aforesaid:

(18.) Where any person who pays Estate duty on any property, and in whom the property is not vested, is by this Act authorised to raise such duty by the sale or mortgage of that property, or any part thereof, it shall be competent for such person to apply to the Court of Session—

(*a*) for an order of sale of the property or part of it, and in the event of the court granting such order, it shall provide for the payment out of the price of the amount of the Estate duty which has been paid by such person, and the court shall thereafter make such order as to the disposal of the surplus, if any, of the price, by way of investment or otherwise, as to the court shall seem proper; the court may in such order specify the time and place at which, the person by whom, and the advertisement or notice after which the sale shall be made, and may ordain the person in whom the property is vested to grant a disposition thereof in favour of the purchaser, and if the person in whom the property is vested refuses or fails to do so, the court shall grant authority to the clerk of court to execute such disposition, and such disposition so executed shall be as valid as if it had been executed by the person in whom the property is vested; or

(*b*) for an order ordaining the person in whom the property is vested to grant a bond and disposition in security over the property in favour of the person who has paid the Estate duty, for the amount of the said duty, and if the person in whom the property is vested refuses, or fails to do so, the court shall grant authority to the clerk of court to execute such a bond and disposition in security, and such bond and disposition in security so executed shall be as valid as if it had been executed by the person in whom the property is vested, and shall be a first charge upon the property after any debt or incumbrance for which an allowance is directed to be made under this Act in determining the value of the property for the purpose of Estate duty;

Provided also that summary diligence shall not be competent thereupon, and that nothing herein contained shall make the duty to be recovered by the methods of these

sub-sections (*a*) and (*b*) recoverable at any earlier time than if it had been recovered by direct action against the person ultimately liable for the duty.

(19.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate of terce or courtesy or any other like estate in like manner as it applies to property settled by the will of the deceased.

Commencement.

Commencement of Part of Act.

24. This Part of this Act shall come into operation on the expiration of the first day of August one thousand eight hundred and ninety-four, in this Part of this Act referred to as the commencement of this Part of this Act.

PART II.

CUSTOMS.

Duty on tea.

25. The duty of Customs now payable on tea shall continue to be charged and paid, on and after the first day of August one thousand eight hundred and ninety-four until the first day of August one thousand eight hundred and ninety-five, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound - - - Fourpence.

Addition to Customs duties on special kinds of beer.

26. In addition to the duties of Customs now payable on beer of the descriptions called mum, spruce, or black beer, imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say,)

	£	s.	d.
For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity—			
Not exceeding one thousand two hundred and fifteen degrees - - - -	0	2	0
Exceeding one thousand two hundred and fifteen degrees - - - -	0	2	4

This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

Addition to Customs duty on all other beer.

27. In addition to the duties of Customs now payable on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July

one thousand eight hundred and ninety-five the duty following; (that is to say,)

	£	s.	d.
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of—			
One thousand and fifty-five degrees - -	0	0	6

and there shall be allowed and paid in and for the same period in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the Isle of Man, by section four of the Customs and Inland Revenue Act, 1881. And so, as to both duty and drawback, in proportion for any difference in gravity.

44 & 45 Vict. c. 12.

28. In addition to the duties of Customs now payable on spirits imported into Great Britain or Ireland there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say,)

Additional duties of Customs on spirits.

	£	s.	d.
For every gallon, computed at proof, of spirits of any description (except perfumed spirits) including naphtha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits - - - - - -	0	0	6
For every gallon of perfumed spirits - -	0	0	10
For every gallon of liqueurs, cordials, mixtures, and other preparations entered in such a manner as to indicate that the strength is not to be tested -	0	0	8

And the duties of Customs on the articles herein-after mentioned, being articles of which spirits are a part or ingredient, shall be proportionately increased, and there shall accordingly be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say,)

Alteration of Customs duties on certain goods containing spirits.

		£	s.	d.
Chloral hydrate . - - -	the pound	0	1	4
Chloroform - - - -	the pound	0	3	3
Collodion - - - -	the gallon	1	6	3
Ether, acetic - - - -	the pound	0	1	11
Ether, butyric - - - -	the gallon	0	16	5
Ether, sulphuric - - -	the gallon	1	7	5
Ethyl, iodide of - - -	the gallon	0	14	3

This section shall not affect the continuance after the thirtieth day of June one thousand eight hundred and ninety-five of the duties existing prior to this section taking effect.

PART III.

EXCISE.

29. In addition to the duty of excise now payable in respect of beer brewed in the United Kingdom there shall be charged and

Additional duty of excise on beer.

paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees the duty of sixpence,

and so in proportion for any difference in quantity or gravity.

Additional excise drawback on beer

30. In addition to the drawback of excise now payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores there shall be allowed and paid in respect of beer brewed in the United Kingdom between the sixteenth day of April one thousand eight hundred and ninety-four, and the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees the drawback of sixpence,

and so in proportion for any difference in quantity or gravity.

Additional duty of excise on spirits

31. In addition to the duty of excise now payable for every gallon computed at proof of spirits distilled in the United Kingdom, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five, the duty of sixpence, and so in proportion for any less quantity.

Additional duties to be added to the price of articles contracted for

32. Where, before the seventeenth day of April one thousand eight hundred and ninety-four, any person shall have contracted for the sale of spirits or beer without reference to the duties of excise thereon granted by this Act, it shall be lawful for such person, and he is hereby authorised to receive from the purchaser, and sue for and recover the equivalent in money of the excess of such duties over the duties which would have been payable if this Act had not been passed.

PART IV.

INCOME TAX.

Grant of duties of income tax 16 & 17 Vict c. 34.

33.—(1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, in respect of all property, profits, and gains mentioned or described as chargeable in the Income Tax Act, 1853, the following duties of income tax, (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act the duty of eightpence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, Scotland and Ireland respectively, the duty of threepence.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-four shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

34. The provisions of the Income Tax Acts with respect to the exemption granted to persons whose respective incomes are less than one hundred and fifty pounds a year, shall extend to persons whose respective incomes do not exceed one hundred and sixty pounds a year, and in lieu of the relief or abatement from income tax granted by section eight of the Customs and Inland Revenue Act, 1876, to persons whose respective incomes are less than four hundred pounds a year, the following provisions shall have effect:—

Exemption where income does not exceed 160*l.*, and abatement where income does not exceed 500*l.*

39 & 40 Vict. c. 16.

(1.) Any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Income Tax Acts, that his total income from all sources, although exceeding one hundred and sixty pounds or upwards, does not exceed five hundred pounds, shall be entitled to relief or abatement as follows:—

(*a.*) If the total income of such person does not exceed four hundred pounds, to relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred and sixty pounds of his income would amount to; and

(*b.*) If the total income of such person exceeds four hundred pounds, and does not exceed five hundred pounds, to the relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred pounds of his income would amount to.

(2.) Where the total joint income of a husband and wife charged to income tax, by way either of assessment or deduction, does not exceed five hundred pounds and, upon any claim under this section, the Commissioners for the general purposes of the Acts relating to income tax are satisfied that such total income includes profits of the wife derived from any profession, employment, or vocation chargeable under Schedule D., or from any office or employment of profit chargeable under Schedule E., they shall deal with such claim as if it were a claim for exemption or relief or abatement as the case may be in respect of such profits of the wife, and a separate claim, on the part of the husband, for exemption or relief or abatement in respect of the rest of such total income.

35. In respect of the income tax hereby imposed under Schedule A., where the tax is charged upon annual value estimated otherwise than by relation to profits, the following provisions shall have effect:—

Relief in respect of income tax under Schedule A.

5 & 6 Vict. c. 35.

(*a.*) In the case of an assessment on lands inclusive of the farmhouse and other buildings (if any), the amount of the

assessment shall, for the purposes of collection, be reduced by a sum equal to one-eighth part thereof; and

(*b.*) In the case of an assessment upon any house or building (except a farmhouse or building included with lands in assessment), the amount of the assessment shall, for the purposes of collection, be reduced—

(i.) Where the owner is occupier or assessable as landlord, or where a tenant is occupier and the landlord undertook to bear the cost of repairs, by a sum equal to one-sixth part of that amount; and

(ii.) Where a tenant is occupier and undertook to bear the cost of repairs, by such a sum not exceeding one-sixth part of that amount, as may be necessary to reduce it to the amount of rent payable by him.

(*c.*) As between the owner and a mortgagee of his property, or any person having a charge thereon or entitled to any ground-rent, rentcharge, annuity, or other annual sum payable thereout, the owner's right of deduction under the Income Tax Acts in respect of income tax shall be in no wise prejudiced or affected by the relief afforded by this section.

(*d.*) Where the amount of the assessment in the case of lands (inclusive of the farmhouse and other buildings) is more than one-eighth, and in the case of any house or building (except a farmhouse or building included with lands in assessment) is more than one-sixth, below the rent, after deducting from such rent any outgoing which should by law be deducted in making the assessment, this section shall not apply.

Exemption of income tax in favour of savings banks. 26 & 27 Vict. c. 87.

36.—(1.) Any penny savings bank, or other bank for savings, whether certified under the Savings Bank Act, 1863, or not, shall be entitled to exemption from income tax chargeable under Schedules C. and D. of the Acts relating to income tax in respect of the income of the funds of the savings bank, so far as it is applied in the payment or credit of interest to any depositor not exceeding the sum of five pounds in the year for which exemption is claimed.

(2.) The exemption shall be claimed, proved, and allowed in the same manner as is prescribed by law in the case of income applicable and applied to charitable purposes.

(3.) Provided that where interest is paid, or dividends or interest are or is credited without deduction of income tax to a depositor in any savings bank whose income exceeds one hundred and sixty pounds a year, such interest, or dividends or interest, as the case may be, shall be accounted for and charged under the third case of Schedule D. under which profits of an uncertain annual value are directed to be charged.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1894–95. 32 & 33 Vict. c. 67.

37.—(1.) The sum charged as the annual value of any property, elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety-three, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred and ninety-three, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety-three, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, and as respects Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and ninety-four.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

Provisions as to duty on dividends, &c., paid prior to the passing of this Act.

38.—(1.) Where, in the case of any dividends, interest, or other annual profits or gains due or payable half-yearly or quarterly in the course of the said year which commenced on the sixth day of April one thousand eight hundred and ninety-four, any half-yearly or quarterly payments shall have been made prior to the passing of this Act, the duty of income tax hereby granted, or so much by relation to such duty as shall not have been charged thereon or deducted therefrom, shall be charged under Schedule D. in respect of such payments as profits or gains not charged by virtue of any other schedule in conformity with the provision contained in the sixth case of Schedule D., in section one hundred of the Income Tax Act, 1842, and the agents entrusted with the payment of the dividends, interest, or other annual profits or gains, shall furnish a list containing the names and addresses of the persons to whom payments have been made, and the amount of such payments, to the Commissioners of Inland Revenue upon a requisition in that behalf.

5 & 6 Vict. c. 35.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of the duty of income tax hereby granted he shall be authorised to make the deduction or make up the deficiency on the occasion of the next payment in addition to any other deduction which he may by law be authorised to make.

(3.) The charge or deduction of the duty of income tax at a rate not exceeding the rate hereby granted in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

PART V.

MISCELLANEOUS.

Composition for certain Stamp Duties.

Extension of 54 & 55 Vict. c. 39. s. 114.

39. The provisions contained in section one hundred and fourteen of the Stamp Act, 1891, in reference to the composition for stamp

duty chargeable on transfers of certain stocks, shall extend to the stock of any foreign state or government which is inscribed in the books of the Bank of England.

Exemption of Coupons from Stamp Duty.

Exemption of coupons.

40. A coupon for interest on a marketable security as defined by the Stamp Act, 1891, being one of a set of coupons whether issued with the security or subsequently issued in a sheet, shall not be chargeable with any stamp duty.

PART VI.

IMPERIAL AND NAVAL DEFENCE LOANS.

Alteration of Imperial and Naval Defence Acts.

41.—(1.) All dividends or other moneys received by the Treasury after the first day of July one thousand eight hundred and ninety-four in respect of Suez Canal shares shall be paid into the Exchequer.

(2.) The sum by which the aggregate payments made to the Naval Defence Account under section two of the Naval Defence Act, 1889, before the thirty-first day of March one thousand eight hundred and ninety-four, exceed the authorised expenditure of ten million pounds, or any less sum which on the completion of the contract vessels has been actually expended on those vessels, shall be paid from that account into the Exchequer, and the instalments payable to the said account under the said section shall cease after the said day to be payable.

51 & 52 Vict. c. 32
52 & 53 Vict. c. 8.
56 & 57 Vict. c. 45.

(3.)—(*a*.) The old sinking fund and the new sinking fund may, notwithstanding anything in the Imperial Defence Act, 1888, and the Naval Defence Acts, 1889 and 1893, and in addition to any other mode of application, be applied in paying off all or any part of the loan of two million six hundred thousand pounds borrowed under Part II. of the Imperial Defence Act, 1888 (in this Act referred to as the Imperial Defence Loan), and of the loan of three million one hundred and forty-six thousand pounds borrowed under the Naval Defence Act, 1889 (in this Act referred to as the Naval Defence Loan);

(*b*.) The interest on the Imperial Defence Loan and the Naval Defence Loan, or on such part thereof as is for the time being outstanding, shall, so far as it would, but for this section, come into course of payment out of the moneys provided by Parliament for army services or naval services, be paid out of the permanent annual charge for the National Debt, and the Treasury shall, so far as regards any payments already made, make such adjustments as appear to them necessary for carrying into effect this section.

(4.) Nothing in this section, nor any repeal by this section, shall affect the charge on the Consolidated Fund of any loan, so far as the same is required for the purpose of repaying the principal or interest of such loan to the holder of the security for the same.

(5.) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent and from the dates in the third column of that schedule mentioned.

Short Title.

42. This Act may be cited as the Finance Act, 1894. Short title.

SCHEDULES.

FIRST SCHEDULE.

EXISTING DUTIES REFERRED TO.

1. The stamp duties imposed by the Customs and Inland Revenue Act, 1881, on the affidavit to be required and received from the person applying for probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland. Sections 1, 5, 13, 21. 44 & 45 Vict. c. 12.

2. The stamp duties imposed by section 38 of the Customs and Inland Revenue Act, 1881, as amended and extended by section 11 of the Customs and Inland Revenue Act, 1889, on the value of personal or moveable property to be included in accounts thereby directed to be delivered. 52 & 53 Vict. c. 7.

3. The additional succession duties imposed by section 21 of the Customs and Inland Revenue Act, 1888. 51 & 52 Vict c 8.

4. The temporary estate duties imposed by sections 5 and 6 of the Customs and Inland Revenue Act, 1889.

5. The duty at the rate of one pound per cent. which would by virtue of the Acts in force relating to legacy duty or succession duty have been payable under the will or intestacy of the deceased, or under his disposition or any devolution from him under which respectively Estate duty has been paid, or under any other disposition under which Estate duty has been paid.

SECOND SCHEDULE.

ACTS REFERRED TO.

Section 22 (*n*)

Session and Chapter.	Title or Short Title.	Section referred to.
55 Geo. 3. c. 184. -	The Stamp Act, 1815 -	Section thirty-eight.
56 Geo. 3. c. 56. - -	An Act the title of which begins with the words "An Act to repeal "the several stamp "duties" and ends with the words "managing "the said duties."	Section one hundred and seventeen.
43 Vict. c. 14. - -	The Customs and Inland Revenue Act, 1880.	Section ten.
44 & 45 Vict. c. 12. -	The Customs and Inland Revenue Act, 1881.	Sections twenty-nine and thirty-two.

THIRD SCHEDULE.

Section 41.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 32.	The Imperial Defence Act, 1888.	The whole of Part Two and section eleven, from "The expression Treasury" to "Admiral," from "the expression Suez" to "1876," and from "The expression Exchequer" to the end of the section, as from the passing of this Act.
52 & 53 Vict. c. 8.	The Naval Defence Act, 1889.	The whole Act as from the following dates: Section two, from "To provide such money" to "Exchequer," being sub-sections two to five, as from the end of the last financial year before the passing of this Act, and from "the principal of all securities" to the end of the section, being sub-sections six, seven, and eight, as from the 31st of December one thousand eight hundred and ninety-two; section five, as from the completion of the audit therein mentioned; and the residue as from the end of the present financial year.
56 & 57 Vict. c. 45.	The Naval Defence Act, 1893.	The whole Act as from the end of the present financial year.

CHAPTER 31.

An Act for authorising the Treasury to indemnify the Bank of England with respect to the Transfer of Consolidated Bank Annuities standing in the name of the late Sultan of Zanzibar. [31st July 1894.]

WHEREAS there are now standing in the name of His Highness Seyyid Ali bin Said bin Sultan, Sultan of Zanzibar, in the books of the Bank of England the sum of two hundred and four thousand nine hundred and eleven pounds six shillings and ninepence Consolidated Bank Annuities, and certain sums of cash representing dividends thereon:

And whereas the said Sultan is dead, and difficulties have arisen as to the mode in which the said sum of Bank Annuities shall be transferred and as to the receipt of the said cash:

And whereas the present Sultan of Zanzibar has executed the agreement set forth in the schedule to this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Treasury are hereby authorised to indemnify the Bank of England against any liability which the Bank may incur by reason of their acting in any transfer of the said Consolidated Bank Annuities, and the payment and receipt of the dividends thereon; and any money payable in pursuance of this indemnity shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

Power for Treasury to indemnify Bank of England in respect of certain transfers and payments.

2. This Act may be cited as the Zanzibar Indemnity Act, 1894.

Short title.

SCHEDULE.

I Seyyid Hamid bin Thwain bin Said, Sultan of Zanzibar, hereby charge the public revenues and property of the State of Zanzibar with repayment to Her Britannic Majesty's Treasury of any money which may be paid by Her Majesty's Treasury under an indemnity against any liability arising in consequence of any transfer by the Bank of England to or on behalf of the State of Zanzibar of the sum of two hundred and four thousand nine hundred and eleven pounds six shillings and ninepence consolidated bank annuities standing in the books of that Bank in the name of his Highness Seyyid Ali bin Said bin Sultan, the late Sultan of Zanzibar.

(Signed) HAMID BIN THWAIN BIN SAID,
Sultan of Zanzibar.

Countersigned
ARTHUR H. HARDINGE,
Her Majesty's Agent and Consul-General.

Dated the 30th day of June 1894.

CHAPTER 32.

An Act to accelerate the Registration of Parochial Electors in England and Wales in the present year.

[31st July 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) In the present year—

Acceleration of registration of parochial electors in the year 1894 in England.

(*a*) the first day for the revision of the lists of parliamentary voters and of burgesses and of county electors shall be the third day of September, and the last day shall be the twenty-second day of September; except that in the case of the lists of occupation voters and burgesses in a parliamentary borough which is also a county borough the last day shall be the same as if this Act had not passed;

(*b*) the period for the inspection of lists of claims and of persons objected to shall be nine days after the twenty-fifth day of August;

28 & 29 Vict c. 36.
41 & 42 Vict c. 26.

(*c*) the declarations under section ten of the County Voters Registration Act, 1865, and section twenty-four of the Parliamentary and Municipal Registration Act, 1878, shall be sent to the clerk of the peace or town clerk on or before the first day of September.

(2.) The barristers appointed to revise the lists on any circuit shall commence to hold their courts for revising lists of voters for any parliamentary county on the third day of September, and shall continue to hold their courts daily, except on Sunday, for that purpose until the revision of those lists for all the parliamentary counties is completed.

(3.) Every revising barrister shall, on the day he holds his court or on any of the three days following, send to the clerk of the county council the lists revised at that court, and, if there is more than one court for a polling district, shall as far as possible complete the revision of the lists of that polling district before holding a court for revising the lists of voters for any parish in another polling district, and the revising barrister shall as far as possible complete the revision of the lists of voters for one parliamentary county, and transmit the same to the clerk of the county council before proceeding to revise the lists of voters for any parish in another parliamentary county or in any parliamentary borough.

(4.) If a revising barrister represents to a Secretary of State that in any particular case it will be convenient to hold on the same day his court for revising any lists of voters for a parliamentary borough and his court for revising any lists of voters for a parliamentary county, the Secretary of State, if satisfied that the carrying into effect of the purpose of this Act will not be thereby interfered with, may authorise the revising barrister in such case to hold on the same day the courts specified in such representation, or any of them.

(5.) Every barrister who revises any lists of voters for a parliamentary county shall on forwarding his appointment to the Treasury certify that he has complied with the provisions of this Act.

(6.) The revised lists of voters shall be printed, signed, and, where necessary, delivered to the sheriff, or to the returning officer for parliamentary elections, as the case may be, by the clerk of the county council or town clerk before the thirtieth day of November and on that day shall come into operation for the purpose of the Local Government Act, 1894, as the register of parochial electors, but shall come into operation as the parliamentary and local government register of electors on the day heretofore fixed by law.

56 & 57 Vict. c. 73.

(7.) The cost of any additional number of revising barristers required in the present year by reason of this Act shall be paid out of moneys provided by Parliament and shall not be payable partly

by the county authorities as specified in section nine of the County Electors Act, 1888.

51 & 52 Vict. c. 10.

(8.) Any additional revising barristers required by reason of this Act may, notwithstanding anything in the Revising Barristers Act, 1886 (as amended by the County Electors Act, 1888), be appointed under section two of that Act at any time after the passing of this Act; but where any such additional barrister is to be appointed for any circuit on or before the first day of September, the appointment shall be made by the judge having power in this year under the said Act to appoint revising barristers for that circuit, and not by the judge sitting in chambers.

Adjustment of registers for wards or altered boundaries.

2.—(1.) For the purpose of making the lists of voters and the register of parochial electors correspond with any alteration of the boundaries of a parish union or district, or any division of a parish or district into wards effected by or in pursuance of the Local Government Act, 1894, or with any alteration or division in respect of which a direction has been given by the county council under section eighty-four of that Act, the clerk of the county council or town clerk, as the case may be, shall—

(*a.*) Divide or combine the lists of voters (including the list of ownership voters) or the lists forming the register of parochial electors, in such manner as they may think necessary for the purpose; and

(*b.*) Give such instructions to the overseers as they think fit to divide or combine the lists of voters (including the list of ownership voters) framed by them in cases where it is possible for the overseers to do so before the date of the delivery of the lists to the clerk of the county council, or town clerk, as the case may be.

(2.) It shall be the duty of the overseers to carry out any instructions so given by the clerk of the county council, or town clerk, and also where it is necessary for the clerk of the county council or town clerk to divide or combine any lists under this section to give that clerk such assistance for the purpose as may be within their power.

Registration in case of altered parish.

3.—(1.) Where any person would be entitled to have his name entered on the list of parochial electors for any parish, if any alteration of area to be effected by or in pursuance of the Local Government Act, 1894, or any alteration in respect of which a direction has been given by the county council under section eighty-four of the Local Government Act, 1894, were actually in force, that person may claim under sub-section (9.) of section forty-four of the Local Government Act, 1894, to have his name so entered, and his name shall be so entered, but until the alteration is in force he shall not be entitled to vote in respect of that entry.

(2.) Where an ownership voter is entitled to have his name entered in the list of parochial electors for a parish by virtue only of this section, he may claim to have his name so entered by giving notice to the overseers of his claim on or before the twentieth day

of August, and the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same, shall apply in the case of those claims as they apply to the claims of occupation voters.

Short title and construction.

4. This Act may be cited as the Registration Acceleration Act, 1894.

6 & 7 Vict. c. 18. 54 & 55 Vict. c. 18.

This Act shall be construed as one with the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same, and shall apply only to the registration of parochial electors in the present year.

CHAPTER 33.

An Act to further amend the Industrial Schools Act, 1866.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Supervision of children after discharge from industrial schools.

1.—(1.) Every child sent to an industrial school after the passing of this Act shall, from the expiration of the period of his detention at such school, remain up to the age of eighteen under the supervision of the managers of the school.

29 & 30 Vict. c. 118.

(2.) The managers may grant to any child under their supervision a licence in the manner provided by section twenty-seven of the Industrial Schools Act, 1866, and may revoke any such licence, and recall the child to the school; and any child so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence: Provided that—

(*a*) a child shall not be so recalled unless the managers are of opinion that the recall is necessary for the protection of the child; and

(*b*) the managers shall send to the Secretary of State an immediate notification of the recall of any child, and shall state the reasons for the recall; and

(*c*) they shall again place the child out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the Secretary of State that the child has been placed out.

(3.) A licence granted to a child within three months before attaining the age of sixteen shall continue in force after the child attains that age, and may be revoked or renewed in the manner provided by section twenty-seven of the Industrial Schools Act, 1866.

Penalty for inducing child placed on licence to escape, &c.

2. Section thirty-four of the Industrial Schools Act, 1866, shall be read and construed as if after the three offences therein severally specified there were added the following offence; namely,—

FOURTH.—Knowingly assists or induces, directly or indirectly, a child placed on licence to escape from any person with whom the child is so placed on licence, or prevents the child from returning to any person aforesaid.

3. Any child detained in an industrial school at the passing of this Act may consent in writing to come under the provisions of this Act, and thereupon the Secretary of State, if satisfied that the consent was given voluntarily, and with full knowledge of its effect, may order that the provisions of this Act shall apply to the child, and they shall apply accordingly.

Provision as to children detained under existing orders.

4. Nothing in this Act shall apply to any child committed to an industrial school under the Elementary Education Acts, 1870 to 1893.

Saving for children detained under attendance order.

5. This Act may be cited for all purposes as the Industrial Schools Acts Amendment Act, 1894, and shall be construed as one with the Industrial Schools Act, 1866, and that Act and this Act may be cited together as the Industrial Schools Acts, 1866 and 1894.

Short title and construction.

CHAPTER 34.

An Act to provide for the purchase of certain Lands belonging to the Duke of Bedford by the Trustees of the British Museum. [17th August 1894.]

WHEREAS an agreement has been provisionally entered into between the Duke of Bedford and the Trustees of the British Museum (in this Act referred to as the Trustees) for the purchase by the Trustees of certain lands and buildings situate in the immediate vicinity of the British Museum, and it is expedient to authorise the Treasury to advance money for the purpose of the said purchase:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) The Treasury may issue out of the Consolidated Fund to the Trustees a sum not exceeding two hundred thousand pounds for the purchase of the said property.

Provision of 200,000*l.* for purchase of property by Trustees of British Museum

(2.) The National Debt Commissioners may, out of any funds in their hands on account of savings banks, lend to the Treasury the said sum or any part thereof, and the loan shall be repaid to the National Debt Commissioners by an annuity of such amount as will repay the same with interest at three per centum per annum in fifty years from the date of the commencement of the annuity.

(3.) The annuity shall commence on the first day of April one thousand eight hundred and ninety-nine, and interest at the rate of three per centum per annum shall be paid to the National Debt Commissioners on the loan from the date of the advance thereof until the commencement of the annuity.

(4.) The said interest and annuity shall be paid out of any net rents and profits accruing to the Trustees from the said property

or out of moneys provided by Parliament for the service of the British Museum, and if and so far as those net rents and profits and those moneys are insufficient, shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

Management of property purchased.

2. The said property, when purchased, shall be managed in such manner as the Treasury may direct, and the net rents and profits accruing therefrom shall be paid into the Exchequer.

Short title.

3. This Act may be cited as the British Museum (Purchase of Land) Act, 1894.

CHAPTER 35.

An Act to amend the Charitable Trusts Acts.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Charitable Trusts (Places of Religious Worship) Amendment Act, 1894.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Construction.

3 This Act, so far as consistent with the tenor thereof, shall be construed as one with the Charitable Trusts Acts, 1853 to 1891, and with the Places of Worship Registration Act, 1855, and this Act and the Charitable Trusts Acts, 1853 to 1891, may be cited as the Charitable Trusts Acts, 1853 to 1894.

Extension of exemption in 16 & 17 Vict. c. 137. s. 62, 18 & 19 Vict. c. 81. s. 9, of places of meeting for religious worship.

4. The exemption of any building registered as a place of meeting for religious worship with the Registrar-General of Births, Deaths, or Marriages in England and Wales, and bonâ fide used as a place of meeting for religious worship, contained in the sixty-second section of the Charitable Trusts Act, 1853, and in the ninth section of the Places of Worship Registration Act, 1855, shall extend, and shall, without prejudice to any order of the Charity Commissioners made before the passing of this Act, be deemed to have always extended to—

(*a*) any forecourt, yard, garden, burial-ground, vestry, or caretaker's house, in respect of situation connected with, and held upon the same trusts as, any building registered and bonâ-fide used as aforesaid ; and

(*b*) any Sunday-school house or other land or building which shall be certified by an order of the Charity Commissioners, made upon the application of one or more of the trustees or persons acting in the administration thereof, to be held upon the same trusts as any building registered and used as aforesaid or upon like trusts, and to be in respect of situation so connected with or held or used in connexion with such building that it cannot conveniently be separated therefrom :

Provided always that so much of the Charitable Trusts Acts, 1853 to 1891, as by virtue of the fifteenth section of the Charitable Trusts Act, 1869, extends to buildings registered and used as aforesaid, shall also extend to the properties declared to be exempted by this Act in the same manner and subject to the same restrictions as the buildings registered and used as aforesaid. 32 & 33 Vict. c. 110. s. 15.

CHAPTER 36.

An Act to amend the Valuation of Lands (Scotland) Acts in regard to the duties of the Assessor of Railways and Canals. [17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be cited for all purposes as the Valuation of Lands (Scotland) Acts Amendment Act, 1894. Short title.

2. For the purposes of the valuation roll to be made up by the assessor of railways and canals (herein-after called the assessor) in terms of the following Acts, viz., the Lands Valuation (Scotland) Act, 1854, the Valuation of Lands (Scotland) Amendment Act, 1867, and the Valuation of Lands (Scotland) Amendment Act, 1887, (herein-after called the recited Acts) for the year ending Whitsunday one thousand eight hundred and ninety-six and subsequent years, in place of the fifteenth day of August, as provided by the twenty-first section of the first recited Act, there shall be substituted the fifteenth day of March as the day on or before which the assessor shall inquire into and fix in cumulo the yearly rent or value of all lands and heritages in Scotland belonging to or leased by each railway and canal company, and forming part of its undertaking; and in place of the fifteenth day of May, as provided in the twenty-third section of the said first recited Act, there shall be substituted the fifteenth day of November previously as the day on or before which intimations of the desire of any water company, or gas company, or other company having any continuous lands and heritages liable to be assessed in more than one parish, county, or burgh, to have such lands and heritages assessed, shall be made to the sheriff. Assessor to make up valuation roll of railways and canals annually by 15th March. 17 & 18 Vict. c. 91. 30 & 31 Vict. c. 80. 50 & 51 Vict. c. 51.

3. In place of the fifteenth day of August, as provided by the twenty-fourth section of the Act seventeen and eighteen Victoria, chapter ninety-one, there shall be substituted the fifteenth day of March as the day on or before which in each year the assessor shall, in terms of the recited Acts, transmit to each railway and canal and other company included in his valuation a copy of the entries in his roll; and in place of the eighth day of September Valuation roll to be transmitted by assessor by 15th March, &c.

there shall be substituted the eighth day of April as the day on or before which any company considering themselves aggrieved by such valuation may obtain redress by satisfying such assessor that they have well-founded ground of complaint, and obtain an alteration by him of his valuation accordingly; and in place of the tenth day of September, as provided by the seventh section of the Valuation of Lands (Scotland) Amendment Act, 1867, there shall be substituted the tenth day of April as the day on or before which all appeals or complaints against any entry in the valuation roll by such railway, canal, or other company, or by any parish, county, or burgh, shall be lodged; and all such appeals or complaints against, and objections to, any such valuation shall be heard and determined and any deliverance pronounced on or before the fifteenth day of May following.

30 & 31 Vict. c. 80.

Requisition for separate valuations to be made by 1st November annually.

30 & 31 Vict. c. 80. 50 & 51 Vict. c. 51.

4. In place of the first day of April, provided by the fifth section of the Valuation of Lands (Scotland) Amendment Act, 1867, and the second section of the Valuation of Lands (Scotland) Amendment Act, 1887, there shall be substituted the first day of November in each year, as the day on or before which the town clerk or clerk of the commissioners or trustees of police of any burgh, town, or populous place, as defined by the said section, shall require the assessor of railways and canals to specify and assign the valuation of railways, canals, and other undertakings separately in the valuation roll, in so far as situated within the limits of any such burgh, town, or populous place.

Authentication of valuation roll by transmission assessor, and to persons interested.

5. The valuation roll to be made up annually by the assessor of railways and canals under the recited Acts and this Act shall, as soon as may be after the fifteenth day of May in each year, be authenticated by the signature of such assessor, and such valuation roll shall then be in force as the valuation roll of railway and canal and other companies for the year commencing at the term of Whitsunday, being the said fifteenth of May, and the said assessor shall thereupon transmit to each county, burgh, town, or populous place, certified copies thereof, as provided in the said recited Acts.

This Act not to affect dates for exacting payment of assessments from railway and other companies.

6. Nothing in this Act contained shall alter or affect the dates on which payment may be demanded or exacted of any assessment, rate, or tax chargeable upon or according to the valuation appearing in the valuation roll of railways, canals, and other undertakings, and such assessment, rate, or tax shall, notwithstanding the earlier completion of such valuation roll, as by this Act provided, be demanded or exacted in respect of such undertakings only when demanded or exacted in respect of other lands and heritages, and not earlier than it could be demanded or exacted if the said valuation roll of railways, canals, and other undertakings were completed at the same date as the valuation roll of all other lands and heritages.

Extension of meaning of word company.

7. For the purposes of the valuation roll to be made up by the assessor of railways and canals for the year ending Whitsunday one thousand eight hundred and ninety-five and subsequent

years, the provisions of sections twenty to twenty-nine inclusive of the Act seventeen and eighteen Victoria, chapter ninety-one, and of any Act amending the same, and of this Act, shall extend to and include such railways, tramways, canals, waterworks, gasworks, and other undertakings belonging to, or leased or occupied by, any corporation, burgh commissioners, trustees, or local authority as are referred to in the said sections, and the words companies and company occurring therein shall be read accordingly.

8. The recited Acts, and all other laws, statutes, and usages, shall be, and the same are hereby, repealed, in so far as necessary to give effect to the provisions of this Act, but in all other respects they shall remain in full force and effect. Partial repeal of recited Acts.

CHAPTER 37.

An Act for removal of the Restrictions on the use of Locomotive Engines for Threshing purposes.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Locomotive Threshing Engines Act, 1894. Short title.

2. Any provision in any Act contained prohibiting under penalty the erection and use of any steam engine, gin, or other like machine or any machinery attached thereto within the distance of twenty-five yards from any part of any turnpike road, highway, carriageway, or cartway, unless such steam engine, gin, or other like engine or machinery be within some house or other building, or behind some fence, wall, or screen sufficient to conceal or screen the same from such turnpike road, highway, carriageway, or cartway, shall not extend to prohibit the use of any locomotive steam engine or any machinery attached thereto for the purpose of threshing within such distance of any such turnpike road, highway, carriageway, or cartway, provided that a person is stationed on the road and employed for the purpose of signalling the driver of the engine whenever it is necessary to stop the engine on account of the approach of a horse, and of rendering assistance to the person in charge of the horse, and that the driver of the engine stops the same when so signalled. Threshing engines to be exempt from previous penalties and restrictions.

CHAPTER 38.

An Act to amend the Public Libraries (Ireland) Acts.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Adoption of Act and Constitution of Library Authority.

Proceedings for adoption of Act.

1.—(1.) The Public Libraries Act (Ireland), 1855 (in this Act referred to as the principal Act), may be adopted in any urban district, and the limitation of the maximum rate to be levied for the purposes thereof may, within the limits fixed thereby, be fixed, raised, and removed by a resolution of the urban authority, or by such other means as is provided by this Act. Provided, however, that in case the urban authority should fail to pass a resolution adopting the said Act, such failure shall not prejudice the right by this Act given to voters to have their opinion ascertained in the manner by this Act provided.

(i.) Such resolution shall be passed at a meeting of the authority, and one month at least before the meeting special notice of the meeting and of the intention to propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it if it is either—

(*a*) given in the mode in which notices to attend meetings of the authority are usually given; or

(*b*) where there is no such mode, then signed by the clerk of the authority, and delivered to the member, or left at his usual or last known place of abode in Ireland, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in Ireland.

(ii.) The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be posted at the place heretofore used for posting public notices outside every church and chapel within the district, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution, as the authority may by the resolution fix.

(iii.) A copy of the resolution shall be sent to the Local Government Board.

(iv.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary

be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

(2.) Any twenty or more voters in an urban district, or the urban authority of the district, may address a requisition in writing in the prescribed form to the mayor or other chairman of the authority, requiring him to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition.

(3.) On receipt of the requisition the mayor or chairman shall proceed to ascertain by ballot the opinion of the voters with respect to the said question or questions, but shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition.

(4.) Where no register of the voters exists the urban authority shall forthwith cause such register to be made for the purposes aforesaid.

(5.) For the purpose of ascertaining the opinion of the voters, the Ballot Act, 1872 (including the penal provisions of that Act), shall, subject to such alterations and adaptations (if any) as may be prescribed, apply in like manner as in the case of a municipal election.

(6.) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority for any election (whether parliamentary, municipal, or other) shall, on request, and if not required for immediate use by the said authority, be lent to the mayor or chairman of the urban authority, for a poll under this Act, upon such conditions, and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid ballot papers, and where the majority of those answers are in favour of the adoption of the principal Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted, and shall be carried into execution by the urban authority.

(8.) Where the opinion of the voters in any district is ascertained upon the question as to the adoption of the principal Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the poll was taken.

(9.) Section four of the principal Act is hereby repealed.

Provision for appointment of commissioners.

2.—(1.) If at any time after the expiration of six months from the taking of a poll in manner provided by this Act, where the majority of the answers were in favour of the adoption of the

principal Act, the urban authority have not in the opinion of the Local Government Board taken proper or sufficient steps to carry the Act into execution, that Board may, if they think fit, upon the application in the prescribed manner of ten or more voters, appoint from among the voters five commissioners to carry the principal Act into execution.

(2.) The commissioners so appointed shall have all the powers and perform all the duties conferred and imposed on the urban authority by the principal Act and the Acts amending the same, including this Act, subject to such alterations and adaptations as may be prescribed. They shall hold office for such time as the Local Government Board direct, and upon the expiration of their term of office the Board may either appoint their successors from among the voters or may by order empower the urban authority to carry the principal Act into execution.

(3.) Any vacancy occurring among the said commissioners shall be filled by the Local Government Board from among the voters.

Power to two or more authorities to combine.

3.—(1.) When the principal Act is adopted for two or more neighbouring districts, the authorities of those districts may by agreement combine for any period for carrying the Act into execution, and the expenses of carrying the Act into execution shall be defrayed by such authorities in such proportions as may be agreed on by them.

(2.) For the purposes of this section, a joint committee may be formed, the members whereof shall be appointed by the several combining authorities in such proportions as may be agreed on, but need not be members of any of the combining authorities. Any such committee shall have such of the powers of an urban authority under the principal Act, except the power of borrowing money, as the combining authorities may agree to confer upon them.

(3.) In the event of the combining authorities failing to agree as to the proportions in which the expenses of carrying the Act into execution are to be defrayed, or as to the proportions in which the members of a joint committee under this section are to be appointed, those proportions shall, on the application of any such authority, be determined by the Local Government Board.

Provision as to use of library.

4. An urban authority may, if they think fit, grant the use of a lending library established under the principal Act, to persons not being inhabitants of their district, either gratuitously or for payment.

Provision as to letting of land.

5. An urban authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the principal Act, or the Acts amending the same, including this Act, which is not at the time of such letting required for those purposes, and shall apply the rents and profits thereof for the purposes of those Acts.

Power to grant certain land for purposes of Acts.

6.—(1.) Any person holding land for public or charitable purposes may, subject as herein-after provided, grant or convey, by way of gift, sale, or exchange, for any of the purposes of the

principal Act, or the Acts amending the same, including this Act, any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(*a*) charitable property shall not be so granted or conveyed without the consent of the Commissioners of Charitable Donations and Bequests for Ireland, and, in the case of land charged with the repayment of an advance made under the Glebe Loan (Ireland) Acts, without the consent of the Commissioners of Public Works in Ireland; and

(*b*) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold.

Power to urban authorities to make agreements for use of library.

7.—(1.) The urban authorities of any two or more districts for which this Act has been adopted may agree to share in such proportions and for such period as may be determined by the agreement the cost of the purchase, erection, repair, and maintenance of any library building situate in one of those districts, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

(2.) The urban authority of any district may, with the consent of the Commissioners of Charitable Donations and Bequests for Ireland, or of the Commissioners of Endowed Schools in Ireland, as the case may be, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of either of the said Commissioners, and situate in or near the district.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

Power to urban authority to accept parliamentary grant.

8. Where an urban authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.

Financial Provisions.

Expenses of Act.

9.—(1.) The expenses incurred in and incidental to the execution of this Act shall be defrayed in manner provided by the principal Act with regard to the expenses of carrying that Act into execution.

(2.) Where in any urban district a limit is by law imposed upon the rating power of the urban authority, it shall be lawful for such

authority to impose and levy the rate authorised by the principal Act notwithstanding such limit.

Supplemental Provisions.

Adjustment of interests on termination of agreement.

10. Any agreement under this Act between two or more urban authorities, or between an urban authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall, on the application of any of the parties, be made by an arbitrator appointed by the Local Government Board.

Power to make rules.

11. The Local Government Board may make rules for carrying into effect the objects of this Act, and those rules shall be laid before both Houses of Parliament as soon as may be after they are made, and shall be judicially noticed and have effect as if enacted by this Act.

Definitions.

12. In this Act, unless the context otherwise requires,—

The expression "urban district" means an incorporated borough or a town as defined by the principal Act:

The expression "urban authority" means, in the case of an incorporated borough, the council or board of municipal commissioners, and in the case of a town the town commissioners as defined by the principal Act:

The expression "voter" means a person who is registered as a parliamentary voter in respect of the ownership or occupation of property, or in respect of lodgings within the district in connexion with which the voter is mentioned, and in the case of a borough includes a freeman thereof:

The expression "the Local Government Board" means the Local Government Board for Ireland:

The expression "prescribed" means prescribed by rules made by the Local Government Board under this Act.

Short title.

13. This Act may be cited as the Public Libraries (Ireland) Act, 1894.

CHAPTER 39.

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Prize Courts Act, 1894.

Constitution of prize courts in British possessions.

2.—(1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as herein-after mentioned being made in the possession.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3.) The said commission and warrant may authorise either a Vice-Admiralty Court or a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, and may establish a Vice-Admiralty Court for that purpose. 53 & 54 Vict. c. 27.

(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A court duly authorised to act as a prize court during any war shall after the conclusion of the war continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

Rules of court for and fees in prize courts.

3.—(1.) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein. 27 & 28 Vict. c. 25.

(2.) Every rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each court to which it relates.

(3.) This section shall be substituted for section thirteen of the Naval Prize Act, 1864, which section is hereby repealed. 27 & 28 Vict. c. 25.

(4.) If any Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, is authorised under this Act or otherwise to act as a prize court, all fees arising in respect of prize business transacted in the court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the court under the said Act. 53 & 54 Vict. c. 27.

As to Vice-Admiralty Courts.

4. Her Majesty the Queen in Council may make rules of court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

Repeal of 39 & 40 Geo. 3. c. 79. s. 25.

5. Section twenty-five of the Government of India Act, 1800, is hereby repealed.

CHAPTER 40.

An Act to provide for the attendance of Assessors at the trial and hearing of Maritime Causes in the Court of Session and Sheriff Courts in Scotland, and in Appeals to the House of Lords. [17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Nautical Assessors (Scotland) Act, 1894, and shall apply to Scotland only.

Appointment of assessors in Court of Session or Sheriff Court.

2. In any action or proceeding in the Court of Session or in the Sheriff Court arising out of or relating to collision at sea, salvage, towage, or any other maritime matter, the Court, if it thinks fit, may, and on the application of any party, shall, summon to its assistance at the trial, or at any subsequent hearing, whether on reclaiming note, appeal or otherwise, one or more persons of nautical skill and experience, who may be willing to sit with the Court and act as assessor or assessors, but, where it is proposed to summon any person as an assessor, objection to him, either personally or in respect of his qualification, may be stated by any party to the action or proceeding, and shall be disposed of by the Court.

Note to be made of questions submitted to assessors.

3. The judge before whom any cause is tried with the assistance of an assessor or assessors summoned under the provisions of this Act, shall make a note of the questions submitted by him to such assessor or assessors, and of the answer or answers thereto.

List of assessors to be kept.

4. The assessors shall be appointed from a list of persons approved for the purpose, as regards the Court of Session by the Lord President, and as regards the Sheriff Court by the Sheriff of the Sheriffdom. Such lists shall be published as the Lord President, or the Sheriff, as the case may be, shall direct, and shall be in force for three years only, but persons entered in any such list may be again approved in any subsequent list. It shall be lawful for the Sheriff to defer the preparation of such a list until an application has been made to summon an assessor or assessors in an action depending in one of the courts of his sheriffdom.

Court of Session may frame Act of Sederunt.

5. The Court of Session may, by Act of Sederunt, prescribe such rules as it shall think fit with regard to the summoning and duties of assessors under this Act, and to their remuneration, and such remuneration shall be treated as expenses in the action or proceeding, unless otherwise ordered by the Court.

6. For the hearing and determination of any appeal against a judgment of any Scottish Court in any such action or proceeding as aforesaid, the House of Lords may, if it shall think it expedient to do so, call in the aid of one or more assessors specially qualified, and hear such appeal wholly or partially with the assistance of such assessor or assessors. Assessors in the House of Lords.

This section shall be carried into effect in pursuance of Orders made by the House of Lords.

7. The expression "Court" shall include the Lord Ordinary and either Division of the Court of Session, and the Sheriff and Sheriff Substitute, but the expression "Sheriff" shall not include Sheriff Substitute. Definitions.

CHAPTER 41.

An Act to consolidate the Acts relating to the Prevention of Cruelty to, and Protection of, Children.

[17th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Cruelty to Children.

1.—(1.) If any person over the age of sixteen years who has the custody, charge, or care of any child under the age of sixteen years, wilfully assaults, ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child unnecessary suffering, or injury to its health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor; and Punishment for cruelty to children.

(*a*) on conviction on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding two years; and

(*b*) on summary conviction shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) A person may be convicted of an offence under this section either on indictment or by a court of summary jurisdiction notwithstanding the death of the child in respect of whom the offence is committed.

(3.) If it is proved that a person indicted under this section was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of

money was accruing or becoming payable, the court, in its discretion, may

(*a*) increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or

(*b*) in lieu of awarding any other penalty under this section, sentence the person indicted to penal servitude for any term not exceeding five years.

(4.) A person shall be deemed to be interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(5.) An offence under this section is in this Act referred to as an offence of cruelty.

Restrictions on Employment of Children.

Restrictions on employment of children.

2. If any person—

(*a*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between nine p.m. and six a.m.; or

(*c*) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child, to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or

(*d*) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months

Provided that—

(i.) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii.) Any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (*b*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and

(iii.) Paragraphs (*c*) and (*d*) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends; and

(iv.) Paragraph (*d*) of this section shall not apply in the case of a person who is the parent or legal guardian of a child, and himself trains the child.

Licences for employment of children.

3.—(1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

(*a*) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(*b*) to be trained as aforesaid; or

(*c*) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, 41 & 42 Vict. c. 16.

inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878.

39 & 40 Vict. c. 79. 41 & 42 Vict. c. 78.

Arrest of Offender and Provision for Safety of Children.

Power to take offenders into custody.

4.—(1.) Any constable may take into custody, without warrant, any person—

(*a*) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the schedule to this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(*b*) who has committed or who he has reason to believe has committed any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2.) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Detention of child in place of safety.

5.—(1.) A constable may take to a place of safety any child in respect of whom an offence under paragraph (*a*) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the schedule to this Act has been, or there is reason to believe has been, committed.

(2.) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the committal for trial, or conviction, or discharge of such person.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act or any of the offences mentioned in the schedule to this Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this sub-section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the committal for trial or conviction or discharge of that person, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4.) Boards of guardians, and, in Scotland, parochial boards, shall provide for the reception of children brought to a workhouse in pursuance of this Act, and where the place of safety to which a constable takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

Disposal of child by order of court.

6.—(1.) Where a person having the custody, charge, or care of a child under the age of sixteen years has been—

(*a*) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the schedule to this Act; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child,

by any court, that court either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody of the person so convicted, committed for trial, or bound over, and be committed to the custody of a relation of the child, or some other fit person named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion or on the application of any person from time to

time by order renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been or has been proved to have been party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3.) Where an order is made under this section in respect of a person who has been committed for trial, then if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(4.) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland, may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant, approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person, and to the duties of such persons with respect to such children.

(5.) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

Maintenance of child when committed to custody of any person under order of court.

7.—(1.) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2.) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week instead of the limit fixed by the Industrial Schools Acts.

(3.) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made, or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child.

(4.) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or in Scotland were a sum decerned for aliment, or in Ireland were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts. 35 & 36 Vict. c. 65.

(5.) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

Religious persuasion of person to whom child is committed.

8.—(1.) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2.) In any case where the child has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child belongs or who has not given such undertaking as aforesaid the court shall, on the application of any person in that behalf, and on its appearing that a fit person who is of the same religious persuasion or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3.) Where a child has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs as if no such undertaking had been given.

Interchange of powers under Industrial Schools Acts and this Act.

9.—(1.) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering that the child be sent to an industrial school, may make an order under this Act for the committal of the child to the custody of a relation or person named by the court.

(2.) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified or the time when the order actually takes effect.

Warrant to search for and remove a child.

10.—(1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bonâ fide acting in the interests of a child under the age of sixteen years, that there is reasonable cause to suspect that such a child has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, or that any offence mentioned in the schedule to this Act has been or is being committed in respect of such a child, such magistrate or justices may issue a warrant authorising any person named therein to search for such child, and if it is found to have been or to be assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child, to take it to and detain it in a place of safety, until it can be brought before a court of summary jurisdiction, or authorising any person to remove the child with or without search to a place of safety and detain it there until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section five of this Act:

Provided that—

(*a*) the powers herein-before conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency; and

(*b*) in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2.) Any person issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorised by warrant under this section to search for any child, or to remove any child with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the persons by whom the warrant is issued otherwise direct, and may also, if the persons by whom the warrant is issued so direct, be accompanied by a registered medical practitioner.

(5.) It shall not be necessary in any information or warrant under this section to name the child.

Power as to Habitual Drunkards.

Power as to habitual drunkards.

11. Where it appears to the court by or before which any person is convicted of the offence of cruelty within the meaning of this

Act, or of any of the offences mentioned in the schedule to this Act, that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding twelve months in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and,

(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Evidence and Procedure.

Evidence of accused person.

12. In any proceeding against any person for an offence under this Act or for any of the offences mentioned in the schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Extension of power to take deposition of child.

13.—(1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence of cruelty within the meaning of this Act or any of the offences mentioned in the schedule to this Act is alleged to have been committed, would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof.

(2.) The justice taking any such deposition shall transmit the same with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(*b*) in any other case to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the same.

Admission of deposition of child in evidence.

14. Where on the trial of any person on indictment for any offence of cruelty within the meaning of this Act or any of the offences mentioned in the schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under the Indictable Offences Act, 1848, or the Indictable Offences (Ireland) Act, 1849, or the Petty Sessions (Ireland) Act, 1851, or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

11 & 12 Vict. c. 42.
12 & 13 Vict. c. 69.
14 & 15 Vict. c. 93.

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*b*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

Evidence of child of tender years.

15.—(1.) Where, in any proceeding against any person for an offence under this Act or for any of the offences mentioned in the schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth: and the evidence of such child, though not given on oath but otherwise taken and reduced into writing, in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively:

11 & 12 Vict. c. 42.
14 & 15 Vict. c. 93.

Provided that—

(*a*.) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some

other material evidence in support thereof implicating the accused; and

(*b*.) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884, in the case of children. 42 & 43 Vict. c. 49. 47 & 48 Vict. c. 19.

(2.) This section shall not apply to Scotland.

16. Where in any proceedings with relation to an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child. Power to proceed with case in absence of child.

17. Where a person is charged with an offence under this Act, or any of the offences mentioned in the schedule to this Act, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved. Presumption of age of child.

18.—(1.) Where a person is charged with committing an offence under this Act or any of the offences mentioned in the schedule to this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations. Mode of charging offences and limitation of time.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under this Act or of an offence mentioned in the schedule to this Act unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence under this Act or any offence mentioned in the schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

19. When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did Appeal from summary conviction to

quarter sessions.

not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary, in manner provided by the Summary Prosecutions Appeal (Scotland) Act, 1875, or any Act amending the same.

38 & 39 Vict. c. 62

Expenses of prosecution.

20.—(1.) Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

(2.) This section shall not apply to Scotland.

Guardians may pay costs of proceedings.

21. A board of guardians, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund

Supplemental.

Provision as to byelaws.

22. Every byelaw under this Act shall be subject—

(*a.*) In England to section one hundred and eighty four of the Public Health Act, 1875, as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of Secretary of State for the Local Government Board; and

38 & 39 Vic c. 55.

30 & 31 Vict. c 101.

(*b.*) In Scotland to so much of section sixty-two of the Public Health (Scotland) Act, 1867, as provides for the confirmation of rules and regulations and the proceedings preliminary to confirmation as if such rules and regulations included byelaws under this Act, and the local authority under this Act were a local authority within the meaning of that section, but with the substitution of the Secretary for Scotland for the Board of Supervision; and

41 & 42 Vict. c. 52.

(*c.*) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878, with the substitution of Lord Lieutenant for the Local Government Board.

Provision as to parents and as to meaning of "custody, charge, or care."

23.—(1.) The provisions of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child.

(2.) This Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3.) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

24. Nothing in this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

Right of parent, &c. to administer punishment.

25. In this Act unless the context otherwise requires—

General definitions.

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the district council, and until a district council is established the urban or rural sanitary authority:

The expression "chief officer of police" means—

In the city of London and the liberties thereof, the commissioner of city police;

In the metropolitan police district, the commissioner of police of the metropolis;

Elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same.

29 & 30 Vict. c. 118.

26. In the application of this Act to Scotland, unless the context otherwise requires—

Application of Act to Scotland.

The Secretary for Scotland shall be substituted for a Secretary of State:

The expression "local authority" means as regards any burgh in Scotland, being either a royal burgh or a burgh returning or contributing to return a member to Parliament, the town council; as regards any police burgh in Scotland, the Commissioners of Police thereof, and as regards any county in Scotland exclusive of any such burgh, the county council:

The expression "chief officer of police" means the chief constable, or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "court of summary jurisdiction," the expression "petty sessional court" and the expression "justice of the peace" mean the sheriff or sheriff substitute:

The expression "misdemeanor" means crime and offence:

The expression "manslaughter" means culpable homicide:

The expression "defendant" includes panel, respondent, or person charged:

The expression "enter into a recognizance with or without sureties" means grant a bond of caution:

The expression "workhouse" means poor house.

Application of Act to Ireland.

27. In the application of this Act to Ireland, unless the context otherwise requires—

The Chief Secretary shall be substituted for a Secretary of State:

41 & 42 Vict. c. 52.

The expression "local authority" means the sanitary authority within the meaning of the Public Health (Ireland) Act, 1878:

The expression "chief officer of police" means in the police district of Dublin metropolis the chief commissioner of the police for the said district; and in any other police district the county inspector of the Royal Irish Constabulary:

The expression "committed for trial" means committed to prison or admitted to bail in manner provided in the Summary Jurisdiction (Ireland) Acts:

The expression "petty sessional court" means a court of summary jurisdiction:

31 & 32 Vict. c. 25.

The expression "Industrial Schools Acts" means the Industrial Schools Act (Ireland), 1868, and any Act amending the same.

Short title and repeal.

28.—(1.) This Act may be cited as the Prevention of Cruelty to Children Act, 1894.

52 & 53 Vict. c. 44. 57 & 58 Vict. c. 27.

(2.) The Prevention of Cruelty to, and Protection of, Children Act, 1889, and the Prevention of Cruelty to Children (Amendment) Act, 1894, are hereby repealed.

(3.) This Act shall come into operation on the twenty-first day of August one thousand eight hundred and ninety-four.

SCHEDULE.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child under the age of sixteen years under sections forty-three or fifty-two of that Act. 24 & 25 Vict. c. 100.

Any offence under the Children's Dangerous Performances Act, 1879. 42 & 43 Vict. c. 34.

Any other offence involving bodily injury to a child under the age of sixteen years.

CHAPTER 42.

An Act to provide for the better Regulation of Quarries.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act. Application of Act.

2.—(1.) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine. Application to quarries of certain provisions of 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39. 54 & 55 Vict. c. 47.

(2.) The inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act.

(3.) In the appointment of such inspectors in Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

3. In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made:— Modifications of application of Factory Acts to quarries.

(*a.*) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875;

(*b.*) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878, shall not apply to any such quarry;

(*c.*) Nothing in section fifty-eight of the Factory and Workshop Act, 1878, shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

4. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five. Commencement of Act.

5. This Act may be cited as the Quarries Act, 1894. Short title.

SCHEDULE.

Section 2.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO QUARRIES.

Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77).

Section nine.
Section eleven, with the substitution of the word "explosive" for the word "powder."
Sections fifteen to eighteen.
Sections twenty to twenty-two.
Sections twenty-four to forty.
In section forty-one, the definitions of "owner" and "agent," and the definition of "court of summary jurisdiction" so far as it relates to Scotland.
Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39).

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55 Vict. c. 47).

Section one.

CHAPTER 43.

An Act to amend the Law relating to the Management of the Woods, Forests, and Land Revenues of the Crown.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Investment of capital money.

56 & 57 Vict. c. 53.
10 G. 4. c. 50.

1. The Commissioners of Woods may, with the consent, general or special, of the Treasury, cause any sums received or to be received in respect of the capital of the land revenues of the Crown, whether at the time in a state of investment or not, to be invested in any one or more of the modes authorised by section one of the Trustee Act, 1893, and may vary any such investment, and the provisions of the Crown Lands Act, 1829, and the Acts amending the same, shall apply to any such investment as they apply to investments authorised by the Crown Lands Act, 1829.

Extension of power to pay for improvements out of capital.

29 & 30 Vict. c. 62.
45 & 46 Vict. c. 88.

2. The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the costs of certain improvements to be charged to capital and repaid out of income), shall extend to any operation, work, matter, or thing, being within the description of improvements contained in section twenty-five of the Settled Land Act, 1882, and effected or done after the passing of this Act.

Capitalization of moiety of income from mines.

3.—(1.) From and after the thirty-first day of March one thousand eight hundred and ninety-four, one moiety of the gross annual income of the land revenues of the Crown received, and one moiety of the expenses incurred by the Commissioners of Woods, in respect of any substance obtained by mining, quarrying,

or excavating, shall be carried to the account of the capital of the land revenue of the Crown, and the residue of the said gross annual income and expenses shall be carried to the account of the income of such land revenue.

(2.) For the purposes aforesaid, the Commissioners of Woods shall keep a separate account, in such form as the Treasury direct, to be called the Mines Account, and this account shall include all receipts and outgoings in respect of the sources of revenue in this section mentioned, and shall show the respective amounts to be carried under this section to the capital and to the income of the land revenue of the Crown.

(3.) Section two of the Crown Lands Act, 1866, shall be repealed as from the date aforesaid. 29 & 30 Vict. c. 62.

4.—(1.) If the Commissioners of Woods in exercise of the powers conferred by the Crown Lands Act, 1829, purchase any leasehold interest in any Crown land under their management, any purchase money paid therefor out of the capital money of the land revenues of the Crown shall be repaid out of the income of the land revenues of the Crown by such equal annual instalments as will replace the said capital money without interest within the period of forty years from the date when the purchase takes effect, or within the unexpired period of the term for which the lease was granted, whichever period is shorter. Provision as to purchase of leasehold interests.

(2.) The Commissioners of Woods may also purchase any such leasehold interest in consideration wholly or partly of an annuity for a period not exceeding forty years or the unexpired term for which the lease was granted, whichever period is shorter, and any person having power to sell any such interest, may, unless expressly prohibited by the terms of any settlement, sell the same for such consideration as aforesaid.

5.—(1.) Section forty-five of the Crown Lands Act, 1829, and sections three, four, and five of the Crown Lands (Scotland) Act, 1835 (authorising the grant of lands for churches, chapels, and other purposes), are hereby repealed. Donations for religious or other purposes. 10 G. 4. c. 50. 5 & 6 Will. 4. c. 58.

(2.) The Commissioners of Woods may, with the consent of the Treasury, make, out of the income of the land revenues of the Crown, donations of money for any religious or educational purposes connected with land under the management of the Commissioners, or for the purposes of any hospital, infirmary, or cemetery.

6. Where any person, in whom property belonging to the Crown is vested under a lease, accepts a new lease of the property, either to begin presently or at any time during the continuance of the existing lease, the acceptance of the new lease shall, as from the commencement of the term of the new lease, but subject to anything to the contrary expressed in the new lease, operate as a surrender of the existing lease as to so much of the property demised thereby as is demised by the new lease, but without prejudice to any rights or liabilities existing at the date of the surrender. New lease to operate as surrender of old lease.

7. The power conferred by section two of the Crown Lands Act, 1852, to release from any covenant, condition, or agreement, contained in a lease, shall extend to any covenant, condition, or agreement contained in a grant or other conveyance. Extension of 15 & 16 Vict. c. 62. s. 2. as to release from covenants.

Explanation of powers of Commissioners as to water rights.

8. The Commissioners of Woods may, with the consent of the Treasury, release to or waive in favour of any grantee of land from the Commissioners, or any parish council, district council, council of a county borough, or other local authority or body having power by statute to supply water, any water right exerciseable by or reserved to the Crown.

Provision as to temporary vacancy in office of Commissioner of Woods.

9. It is hereby declared that a vacancy in the office of either of the Commissioners of Woods does not invalidate any order of the Treasury under section five of the Crown Lands Act, 1851, so far as the order relates to the other Commissioner, or prevent the Treasury from making an order under that section.

Provision as to deputy keeper of records.

10. Any certificate or other document required to be given or signed by the Keeper of the Land Revenue Records and Inrolments may be given or signed by any person acting with the sanction of the Treasury as his deputy or assistant, whether the office of the said Keeper is vacant or not, and it shall not be necessary to prove the handwriting of the person so acting or his authority to act.

Settlement of disputed claims in Scotland. 16 & 17 Vict. c. 56.

11.—(1.) The provisions of section five of the Crown Lands Act, 1853, with respect to the settlement of disputed claims, shall extend to disputed claims in Scotland.

(2.) Any order mentioned in that section shall, if it relates to the hereditary possessions and land revenues of the Crown in Scotland, be binding and conclusive when recorded in the office of Her Majesty's Chancery for Scotland.

(3.) With respect to disputed claims in Scotland, that section shall have effect as if the Lord Advocate were substituted therein for Her Majesty's Attorney-General for England or Ireland.

Apportionment of rents in Ireland. 21 & 22 Vict. c. 72.

12. The power conferred by section sixty-eight of the Landed Estates Court (Ireland) Act, 1858, of apportioning any Crown rent, and of charging the whole of any such rent on any part of the land charged therewith in exoneration of the remainder of such land, shall extend to any quitrent or other perpetual rent payable to the Crown in respect of land in Ireland, and may be exercised whether the land liable to the payment of the rent is being sold by the High Court or not, and the order or instrument by which the rent is apportioned shall be recorded by the deposit of a duplicate thereof in the Public Record Office in Dublin.

Power to transfer Sunk Island Fund to Ecclesiastical Commissioners.

13. Whereas there is now standing in the names of the Archbishop of York and of the Commissioners of Woods in the books of the Bank of England a sum of eight thousand three hundred and thirty-three pounds six shillings and eightpence, two and three-quarters per centum Consolidated Bank Annuities, which sum is under an Act of the session held in the eleventh year of King George the Fourth and the first year of King William the Fourth, chapter fifty-nine, to be by them held in trust to pay the dividends arising therefrom to the officiating minister for the time being of the parish church of Sunk Island in the east riding of the county of York, and it is expedient that this sum be transferred to the Ecclesiastical Commissioners who have signified their

willingness to administer the trusts of the same: Be it therefore enacted—

(1.) The Commissioners of Woods may, at any time after the passing of this Act, transfer the said sum of Bank Annuities to the Ecclesiastical Commissioners, to be by them held and administered on and subject to the trusts on and subject to which that sum was held and administered immediately before the passing of this Act.

(2.) This section shall be sufficient authority for the Bank of England to cause the transfer to be made in their books on the written request of the Commissioners of Woods or any one of them.

(3.) The Ecclesiastical Commissioners may at their discretion from time to time vary the investment of the said fund, and may invest the same in any one or more of the modes authorised by section one of the Trustee Act, 1893. 56 & 57 Vict. c. 53.

14. This Act may be cited as the Crown Lands Act, 1894, and shall be read with the Crown Lands Acts, 1829 to 1885. Short title.

CHAPTER 44.

An Act to amend the Law relating to Heritable Securities in Scotland. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Heritable Securities (Scotland) Act, 1894. Short title.

2. This Act shall apply to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-five. Extent and commencement of Act.

3. The creditor in a heritable security may, without calling the tenants of the lands disponed in security as defenders, raise an action of maills and duties either in the sheriff court, in the form as nearly as may be of Schedule (A.) annexed to this Act, or in the Court of Session in common form, with the necessary alterations consequent upon the provisions of this Act, and may give notice of the raising of such action to the tenants by registered letter in the form as nearly as may be of Schedule (B.) annexed to this Act, and from and after the date when such notice is received by the tenants they shall be held as interpelled from making payment of the rents due by them, in the same manner and to the same effect as if they were called as defenders in an action of maills and duties according to the present law and practice, and upon intimation of the decree obtained in said action being made to the tenants by registered letter in the form as nearly as may be of Schedule (C.) annexed to this Act, the said tenants shall make payment of the rents due by them respectively in the same manner and under the like legal compulsitors as if the same had been decerned for and Tenants need not be parties to actions of maills and duties.

a charge for payment given in an action of maills and duties according to the existing law and practice, and payment when so made shall be a complete exoneration and discharge to such tenants respectively: Provided always, that no decree in such action shall affect the right of the tenants to refuse payment of such rents on any ground not affecting the title of such creditor or the right of any prior creditor to enter into possession, and nothing herein contained shall prevent an action of maills and duties from being raised in the form heretofore in use, or deprive a creditor of any existing right competent to him of entering into possession without having recourse to an action of maills and duties.

Power to interpel security holder.

4. Any person interested may take proceedings to interpel the creditor from entering into possession of the lands disponed in security or collecting the rents thereof.

Power to eject proprietor in personal occupation.

5. Where a creditor desires to enter into possession of the lands disponed in security, and the proprietor thereof is in personal occupation of the same, or any part thereof, such proprietor shall be deemed to be an occupant without a title, and the creditor may take proceedings to eject him in all respects in the same way as if he were such occupant: Provided that this section shall not apply in any case unless such proprietor has made default in the punctual payment of the interest due under the security, or in due payment of the principal after formal requisition.

Power to lease security subjects for seven years or under.

6. Any creditor in possession of lands disponed in security may let such lands held in security, or part thereof, on lease, for a period not exceeding seven years in duration.

Sheriff may grant power to lease security subjects for longer periods, not more than 21 years for heritable property in general, and 31 years for minerals.

7. Any creditor in possession of lands disponed in security may apply to the sheriff for warrant to let the lands disponed in security or part thereof, for a period exceeding seven years, setting forth the name of the proposed tenant or tenants, the duration and conditions of the proposed lease; and the sheriff may, after service on the proprietor and on the other heritable creditors, if any, and after such intimation and inquiry as he may think proper, and if satisfied that a lease for a longer period than seven years is expedient for the beneficial occupation of the lands, approve of the proposed lease on the terms and conditions proposed, or on such other terms and conditions as may appear to him expedient: Provided always, that such lease shall in no case exceed twenty-one years for heritable property in general and thirty-one years for minerals.

Provisions for security holders becoming proprietors of security subjects.

8. Any creditor who has exposed for sale under his security the lands held in security, at a price not exceeding the amount due under the said security, and under any prior security, and any security or securities ranking pari passu with the exposer's security (exclusive of the expenses attending the exposure or prior exposures), or at any lower price, and has failed to find a purchaser, may apply to the sheriff for decree, in the terms of Schedule (D.) hereto annexed; and the sheriff may, after service on the proprietor and on the other creditors, if any, and after such intimation and inquiry as he may think fit, grant such application and issue decree in the

said terms. On such decree being pronounced, and an extract thereof in which said lands shall be described at length or by reference recorded in the appropriate register of sasines, the right of redemption reserved to the debtor shall be extinguished, and the creditor shall have right to the lands disponed in security in the same manner and to the same effect as if the disposition in security had been an irredeemable disposition as from the date of such decree, and upon registration of an extract of such decree in the appropriate register, the lands shall be disencumbered of all securities and diligences posterior to the security of the said creditor; or instead of granting such decree, the sheriff may, upon any such application being made to him as aforesaid, appoint the lands held subject to the security to be re-exposed for sale at a price to be fixed by him, and in that event the said creditor shall have right to bid for and purchase the said lands at such sale, and, in the event of the creditor purchasing, the sheriff may issue decree in the form and to the effect aforesaid, or the creditor may grant a disposition of the lands to himself in the same manner as if he had been a stranger.

Completion of title of security holders. Personal obligation of debtor to remain so far as not extinguished by price.

9. Upon a sale being carried through under the immediately preceding section, and upon consignation of the surplus of the price, if any, over the sum due under the security, in terms of the Titles to Lands Consolidation (Scotland) Act, 1868, or upon the execution and recording of a certificate that there is no surplus, in terms of the Conveyancing (Scotland) Act, 1874, the right and title of the creditors to the lands shall be absolute and irredeemable, and the lands shall be disencumbered of securities and diligences in the manner and to the effect provided for in the said statutes as regards sales carried through in virtue thereof. Provided always, that the personal obligation of the debtor shall be reserved in full force and effect so far as not extinguished by the price at which the lands have been acquired.

31 & 32 Vict. c. 101. 37 & 38 Vict. c. 94.

Purchaser's title indefeasible.

10. No purchaser from the creditor or other successor in title in the lands shall be under any duty to inquire into the regularity of the proceedings under which such creditor has acquired right to the lands held under his security by virtue of the provisions contained herein, or be affected by any irregularity therein, without prejudice to any competent claim of damages against such creditor.

Sheriff may grant power to pari passu security holder to sell pari passu security.

11. Any creditor holding a security ranking pari passu with another security who desires to sell the lands conveyed in security by his security, and who is unable to obtain the consent of the creditor holding such other pari passu security to a sale, may apply to the sheriff for warrant to sell the said lands, calling such other creditor as defender; and the sheriff, after hearing parties and making such inquiry as he thinks fit, may order a sale of the said lands, if in his opinion it is reasonable and expedient that such sale should take place; and in case of difference of opinion, the sheriff may fix the price, authorise both or either of the parties or some other person to carry through the sale, and upon payment or consignation of the price to grant a conveyance and disencumber the lands of the said securities in the same way and as fully as if

the creditors therein were by agreement carrying through said sale, and also to fix the times and conditions of sale in conformity with the law and practice relating to premonition and advertisement. And the expenses of and connected with the sale shall be payable preferably out of the price or proceeds of the sale, and the balance of such price or proceeds after providing for such expenses shall be paid to the creditors in the securities charged upon the lands according to their just rights and preferences.

Provisions anent procedure.

12. The following provisions shall have effect with regard to applications under sections seven, eight, and eleven of this Act:—

(1.) The interlocutor of the sheriff who pronounces any order or decree shall be final, and not subject to review, except (1) as to questions of title and (2) where the principal sum due under the heritable security exceeds one thousand pounds.

(2.) The sheriff may award expenses, or may direct that the expenses be treated as part of the expenses of the sale.

Provisions of Act to have effect notwithstanding incapacity of debtor. Trustees and others to have powers conferred by Act.

13. The rights and powers conferred by this Act may be exercised by any creditor, although the debtor or any other creditor holding a security over the same lands, or other person to whom intimation may require or be ordered to be given is in pupillarity or minority, or subject to any legal incapacity, and any action or proceeding under this Act shall have the same force and effect as it would have had if such debtor, proprietor, creditor, or other person had been of full age and not subject to any legal incapacity when such action or proceeding was taken; and trustees, executors, tutors, curators, judicial factors, and other officers of court may exercise all or any of the powers conferred by this Act.

Security holders under Registration of Leases Act to have same powers as security holders.

20 & 21 Vict. c. 26. 31 & 32 Vict. c. 101. 37 & 38 Vict. c. 94.

14. From and after the passing of this Act the powers of sale contained in bonds and assignations in security granted in terms of the Registration of Leases (Scotland) Act, 1857, may be exercised by adopting the procedure provided in the case of sales under the powers of sale contained in bonds and dispositions in security by the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing (Scotland) Act, 1874, and this Act, and any sales under such bonds and assignations in security carried through by adopting the said procedure shall be as valid and effectual in every respect as if they had been carried through in accordance with the provisions of the Registration of Leases (Scotland) Act, 1857.

Sheriff to have jurisdiction whatever value of lands.

15. The sheriff of the county in which the lands held in security or part thereof are situate, or where lands are situate in more counties than one the sheriff of any of such counties, shall have jurisdiction in all cases instituted under or in connexion with this Act, whatever the value of the lands may be.

Provisions as to notice where debtor has died and heir cannot be ascertained.

16. Where (*a*) the debtor in an heritable security has died and no heritable title has been completed to the lands by his heir or other representative, and the name and address of such heir cannot be ascertained by the creditor, or (*b*) the creditor cannot ascertain the address of the debtor in the security, or whether such debtor

is still alive, or (*c*) the creditor cannot ascertain the address of the person who, in terms of such heritable security, is the person legally entitled to receive intimation of the demand of payment herein-after mentioned, the creditor in such security may, in any such case, apply to the sheriff of the county in which any portion of the lands disponed by such heritable security is situate, for warrant to intimate the demand of payment specified in section one hundred and nineteen of the Titles to Land Consolidation (Scotland) Act, 1868, to the debtor, at the office of the Keeper of the Record of Edictal Citations, within the General Register House, Edinburgh, in such form and addressed to such person or persons by name, or in his or their representative character, or as the sheriff may, after such inquiry (if any) as he may think fit, prescribe, and a demand for payment so made shall have the same effect as a demand for payment delivered personally to the debtor in such security.

Rights under existing law reserved.

17. Nothing herein contained shall prejudice or restrict the powers, rights, and privileges of creditors in heritable securities according to the present law and practice.

Interpretation clause.

18. In this Act the words "conveyance," "heritable security," "security," "creditor," "debtor," and "purchaser" shall have the same meanings respectively as in the Titles to Land Consolidation (Scotland) Act, 1868.

The word "lands" shall extend to and include all heritable subjects.

Saving as to rights of Crown.

19. Nothing in this Act contained shall affect the present law and practice in regard to the preferential character of debts due to the Crown, nor shall anything done under the new procedure by this Act authorised prejudice the rights of the Crown as these exist according to the present law and practice.

SCHEDULES.

SCHEDULE (A.)

Section 3.

In the sheriff court of
at

A.B., Pursuer,
against
C.D., Defender.

The above-named pursuer submits to the court the condescendence and note of plea-in-law hereto annexed, and prays the court—

To grant a decree against the above-named defender, finding and declaring that the pursuer has right to the rents, maills, and duties of the subjects and others specified in the bond and disposition in security for £ , granted by
in favour of , dated the
and recorded in the
register

or, at least so much of the said rents, maills, and duties as will satisfy and pay the pursuer the principal sum of £ with interest thereon at the rate of per centum per annum from the day of 18 , liquidate penalty and termly failures all as specified and contained in the said bond and disposition in security dated and recorded as aforesaid, and to find the said *C.D.* liable in expenses, and to decern therefor.

Add condescendence and pleas-in-law.

Section 3.

SCHEDULE (B.)

In the court of session [*or*]
In the sheriff court of shire, at

Notice.

An action has been raised of this date [*specify place and date*] in the above court, at the instance of *A.B.* [*design him*], pursuer, against *C.D.* [*design him*], defender, in which the said pursuer asks that it be declared that as holding a bond and disposition in security over the subjects situated at [*here give such description of the subjects*, e.g., *their name or the number of street in which they are situated, as may identify them*], he has right to the rents due, current, and to become due, from the subjects.

Should you, after receiving this notice, pay your rent to the defender, you will do so at the risk of having to pay again to the pursuer should he obtain decree in the action.

[*To be signed by the pursuer or his law agent, or messenger at arms, or sheriff officer.*]

Section 3.

SCHEDULE (C.)

In the court of session [*or*]
In the sheriff court of shire, at

Notice.

Decree having been obtained of this date [*specify place and date*] in the above court, at the instance of *A.B.* [*design him*], pursuer, against *C.D.* [*design him*], defender, finding and declaring that the pursuer has right to the rents, maills, and duties of the subjects and others situated at [*here give such description of the subjects*, e.g., *their name, or the number of street in which they are situated, as may identify them*], specified in a bond and disposition in security for £ granted by in favour of dated the and recorded in the register, you are hereby notified of the same, and desired and required to make payment to the said *A.B.* of the rents, maills, and duties due by you in respect of the occupancy of said subjects or part thereof.

[*To be signed by the pursuer or his law agent, or messenger at arms, or sheriff officer.*]

Section 8.

SCHEDULE (D.)

The sheriff having resumed consideration of the said petition, finds and declares that *X.Y.* [the debtor in the bond], has forfeited the right of redemption reserved to him in the said bond and disposition in security, and that the said right is extinguished as from and after this date, and that *A.B.* [*design him*], the petitioner has right to, and is vested in, the lands

described in the said bond and disposition in security, dated and recorded as aforesaid, as absolute proprietor thereof, but subject always to the burdens and conditions contained or referred to in the said bond and disposition in security, at the price of £ [*here mention the price at which the lands were last exposed, or the price at which the lands have been bought in, as the case may be*], and decerns; and grants warrant to record the decree to be extracted hereon in the register of sasines.

Note.—The extract decree is to describe the subject.

CHAPTER 45.

An Act to regulate and restrict the wearing of Naval and Military Uniforms. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Uniforms Act, 1894. Short title.

2.—(1.) It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this enactment shall not prevent— Military uniforms not to be worn without authority.

(*a.*) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's military forces; or

(*b.*) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music hall or circus performance, or in the course of any bonâ fide military representation.

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

3. If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month. Penalty for bringing contempt on uniform

Interpretation.

4. In this Act—

The expression "Her Majesty's Military Forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers:

The expression "Her Majesty's Naval Forces" means the Navy, the naval coast volunteers, and the naval volunteers.

Commencement.

5. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

CHAPTER 46.

An Act to consolidate the Copyhold Acts.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

COMPULSORY ENFRANCHISEMENT.

Right to enfranchise.

Power to enfranchise copyholds.

1. Where there is an admitted tenant of copyhold land the lord or the tenant may, subject to the provisions of this Act, require and compel enfranchisement of the land.

Provided that this section shall not apply where the tenant is admitted in respect of a mortgage and the mortgagee is not in possession.

Power to extinguish manorial incidents.

2. A lord or tenant of any land liable to any heriot, quitrent, free rent, or other manorial incident whatsoever, may require and compel the extinguishment of such rights or incidents affecting the land, and the release and enfranchisement of the land subject thereto, in like manner as nearly as possible as is provided by this Act with respect to the right to compel the enfranchisement of copyhold land and to the proceedings thereupon, and the provisions of this Act shall apply accordingly.

Fines, &c. to be paid before enfranchisement.

3. A tenant shall not be entitled to require an enfranchisement of any land under this Act until after payment or tender—

(*a*) in case the land is copyhold and an admittance thereto has not been made since the thirtieth day of June one thousand eight hundred and fifty-three, of such fine and of the value of such heriot (if any) as would become payable in the event of admittance on alienation subsequent to that day, and of two thirds of such sum as the steward would have been entitled to in respect of the admittance; and

(*b*) in case the land is freehold (including customary freehold) and subject to heriots and no heriot has become due or payable since the thirtieth day of June one thousand eight hundred

and fifty-three, of the value of such heriot, if any, as would become payable in the event of an admittance or enrolment on alienation, subsequent to that day, and of two thirds of such sum as the steward would have been entitled to for fees in respect of the alienation or admittance or enrolment; and

(*c*) in every other case, of all fines and fees consequent on the last admittance to the land.

Notice of desire to enfranchise.

4. A lord or tenant who requires enfranchisement under this Act must give notice in writing, the lord to the tenant or the tenant to the lord, as the case may be, of his desire to have the land enfranchised.

Compensation for Enfranchisement.

Proceedings for ascertaining compensation.

5.—(1.) When a notice requiring an enfranchisement has been given under this Act, the compensation for the enfranchisement shall be ascertained in accordance with the provisions of this section.

(2.) The lord and the tenant may—

(*a*) determine the amount of the compensation by agreement in writing; or

(*b*) agree in writing that the Board of Agriculture shall determine the amount; or

(*c*) appoint a valuer or valuers to determine the amount.

Provided that—

(i.) If the compensation is not otherwise determined, it shall be ascertained under the direction of the Board, on a valuation made by a valuer or valuers appointed by the lord and tenant; but

(ii.) If the manorial rights to be compensated consist only of heriots, rents, and licences at fixed rates to demise or to fell timber, or of any of these, or the land to be enfranchised is not rated for the relief of the poor at a greater amount than the net annual value of thirty pounds, the valuation shall be made by a valuer to be appointed by the justices at petty sessions holden for the division or place in which the manor or the greater part of it is situate, unless either party to the enfranchisement gives notice that he desires the valuation to be made by a valuer or valuers appointed by the lord and tenant, in which case he shall pay the additional expenses caused by that mode of valuation.

(3.) When a valuer is appointed by justices, a justice who is a lord of the manor shall not take any part in the appointment.

(4.) When the valuation is to be by a valuer or valuers appointed by the lord and tenant—

(*a*.) The lord and the tenant may each appoint one valuer:

(*b*.) They may appoint one and the same person:

(*c*.) If either the lord or the tenant does not appoint a valuer within twenty-eight days after notice has been given to him by the other party to do so, or within such further time, if any, as the Board of Agriculture by order allow, the Board shall appoint a valuer for him:

(*d.*) The appointment of a valuer by either party cannot be revoked, except with the consent of the other party:

(*e.*) Where there are two valuers they shall, before proceeding with the valuation, appoint an umpire:

(*f.*) If they do not within fourteen days after their appointment appoint an umpire, the Board of Agriculture shall appoint an umpire for them.

(5.) The Board of Agriculture may, on the application of either the lord or the tenant, remove a valuer or umpire for misconduct or for refusal or omission to act.

(6.) If a valuer or umpire dies, or becomes incapable, or refuses to act, or is removed, another valuer or umpire, as the case may be, shall, within a time to be fixed by the Board of Agriculture, be appointed in his place by the person and in the manner provided by this section with regard to the valuer or umpire in whose place he is appointed, and in default by the Board. A valuer or umpire appointed under this provision may adopt and act upon any valuation or proceeding agreed on or completed by the valuer or valuers or umpire previously acting.

(7.) Before a valuer or umpire enters on his valuation he shall, in the presence of a justice of the peace, make and subscribe a declaration in the form mentioned in that behalf in the First Schedule to this Act.

(8.) The declaration made by a valuer or umpire must be annexed to the valuation.

(9.) If a valuer or umpire having made a declaration under this section wilfully acts contrary thereto he shall be guilty of a misdemeanor.

Circumstances to be considered by valuers.

6.—(1.) In making a valuation for the purpose of ascertaining the compensation for a compulsory enfranchisement under this Act, the valuer shall take into account and make due allowance for the facilities for improvements, customs of the manor, fines, heriots, reliefs, quitrents, chief rents, forfeitures, and all other incidents whatsoever of copyhold or customary tenure, and all other circumstances affecting or relating to the land included in the enfranchisement, and all advantages to arise therefrom.

Provided that they shall not take into account or allow for the value of escheats.

(2.) The value of the matters to be taken into account in the valuation shall be calculated as at the date of the notice to enfranchise.

Duties of valuers.

7.—(1.) Valuers appointed for the purpose of ascertaining the compensation for a compulsory enfranchisement shall determine the value of the matters to be taken into account in the valuation at a gross sum of money.

(2.) If the valuers do not agree as to the compensation or any point arising in the valuation, the valuers or either of them may refer the whole matter or the point in dispute to the umpire.

(3.) The valuers shall give their decision within forty-two days after their appointment or within such further time, if any, as the Board of Agriculture by order allow.

(4.) If the valuers do not give their decision within the time allowed by or in pursuance of this Act, and do not refer the matter to the umpire, the Board of Agriculture may direct the umpire to act as valuer.

(5.) The umpire shall give his decision on any matter referred to him within forty-two days after the matter is referred to him.

(6.) The valuers or umpire shall make their decision in such form as the Board of Agriculture direct, and shall deliver the same with the details thereof to the Board, and shall also deliver copies of their decisions to the lord or to the tenant.

(7.) If, in the opinion of the Board, the valuation is imperfect or erroneous, they may remit it to the valuers or umpire, as the case may be, for reconsideration or correction.

(8.) If either—

(*a*) the valuers do not give their decision within the time allowed to them by or in pursuance of this Act, and the valuation is not referred to the umpire, either by the valuers or either of them or by the direction of the Board; or

(*b*) the umpire does not give his decision within the time allowed to him by or in pursuance of this Act; or

(*c*) the valuers or the umpire do not, when a decision is remitted to them by the Board for re-consideration or correction, amend it to the satisfaction of the Board,

the compensation shall be determined by the Board after due notice to the lord and tenant.

(9.) Where the compensation is determined by the Board they shall take such proceedings and make such inquiries as they think necessary for the purpose, and shall take into consideration all matters which valuers are bound to take into consideration on a valuation under this Act, and shall communicate the result in writing to the lord and to the tenant, and shall fix a time within which any objection to their determination may be signified to them in writing by the lord or tenant, and shall consider every objection properly made and if necessary alter their determination accordingly.

Compensation to be a rentcharge in certain cases.

8.—(1.) In either of the following cases, namely,—

(*a*) where the enfranchisement is at the instance of the lord; or

(*b*) where the land can, in the opinion of the Board of Agriculture, be sufficiently identified, and the compensation amounts to more than one year's improved value of the land,

unless the parties otherwise agree, or the tenant within ten days after the receipt by him of the draft of the proposed award of enfranchisement gives to the Board notice in writing that he desires to pay the compensation in a gross sum, the compensation shall be an annual rentcharge, commencing from the date of the notice to enfranchise and issuing out of the land enfranchised, equivalent to interest at the rate of four per cent. per annum on the amount of the compensation.

(2.) Except where it is provided by this section that the compensation shall be charged by way of rentcharge, the compensation shall be paid in a gross sum before the completion of the enfranchisement.

Steward's compensation.

9. On a compulsory enfranchisement the tenant shall pay to the steward the compensation mentioned in the Second Schedule to this Act.

Award of Enfranchisement.

Board to make award of enfranchisement.

10.—(1.) When the compensation for a compulsory enfranchisement has been ascertained under the provisions of this Act, the Board of Agriculture, having made such inquiries as they think proper, and having considered any applications made to them by the parties, may make in such form as they provide an award of enfranchisement on the basis of the compensation, and may confirm the award.

(2.) The award shall state whether the compensation is a gross sum or a rentcharge, and the amount thereof, and where it is a rentcharge shall make the land subject thereto and chargeable therewith.

(3.) The Board shall fourteen days before confirming the award send to the tenant and to the steward, unless the proposed award has been already perused by them respectively, a copy of the proposed award.

(4.) Where the compensation is a gross sum the award shall not be confirmed until the receipt of the person entitled to receive the compensation has been produced to the Board.

(5.) The Board shall send a copy of the confirmed award sealed or stamped with the seal of the Board to the lord, and the lord shall cause the copy to be entered in the court rolls of the manor.

(6.) The date at which a compulsory enfranchisement shall take effect may be fixed by the confirmation of the award of enfranchisement, and if not so fixed, shall be the date of the confirmation of the award.

Restrictions on Enfranchisement.

Power for lord in certain cases to purchase tenant's interest.

11.—(1.) Where a notice requiring the enfranchisement of any land under this Act is given by the tenant, and the lord shows to the satisfaction of the Board of Agriculture that any change in the condition of the land which but for the enfranchisement would or might be prevented by the incidents or conditions of the tenure of the land, will prejudicially affect the enjoyment or value of the mansion house, park, gardens, or pleasure grounds of the lord, the lord may give to the tenant notice in writing that he offers to purchase the tenant's interest in the land.

(2.) If the tenant accepts the offer he shall do so by sending to the Board, within twenty-eight days after he has received notice of the offer, notice in writing of his acceptance, and thereupon the offer and the acceptance shall be binding on the lord and the tenant.

(3.) If the tenant does not accept the offer the enfranchisement shall not take place unless the Board think fit to impose such terms and conditions as are in their opinion sufficient to protect the interests of the lord.

(4.) Where a purchase is being made under this section, if the consideration for the purchase is not within a time allowed by the Board settled by agreement between the lord and the tenant, the Board may appoint a valuer to ascertain the value of the tenant's interest, or may refer it to the valuers, if any, acting in the enfranchisement.

(5.) When the value of the tenant's interest has been agreed on or ascertained, the Board shall issue, under their seal, a certificate which shall define the land included in the purchase, and shall state the consideration for the purchase, and fix a time for the payment of the consideration.

(6.) On the payment of the consideration the tenant shall execute a conveyance of his interest in the land to the lord in such form as the Board direct, and on the execution of the conveyance the land shall vest in the lord accordingly.

(7.) If the consideration is not paid within the time fixed by the certificate or such further time as the Board allow, and the Board are of opinion that the nonpayment arises from the default of the lord, they may cancel the certificate, and thereupon the enfranchisement shall be proceeded with (but subject to the provisions of this section as to expenses) as if this section had not been passed.

(8.) Where a purchase is made under this section all the costs of the valuation and all the expenses attending the purchase, including the expenses of the conveyance, shall be paid by the lord.

(9.) Where a purchase is, by the default of the lord, not completed, all expenses which the Board certify to have been incurred by the tenant in consequence of the offer, acceptance, and default shall be paid by the lord to the tenant.

Power for Board to suspend enfranchisement in certain cases.

12.—(1) The Board of Agriculture may suspend any proceedings for a compulsory enfranchisement under this Act where any peculiar circumstances make it impossible, in their opinion, to decide on the prospective value of the land proposed to be enfranchised, or where any special hardship or injustice would unavoidably result from compulsory enfranchisement.

(2.) Where the Board suspend a proposed enfranchisement under this section they shall state their reasons for doing so in their annual report which is by this Act directed to be laid before Parliament.

Power for Board to continue conditions to user.

13. On a compulsory enfranchisement under this Act, in any case where the tenant was admitted subject to any condition affecting the user of the land and imposed for the benefit of the public or of the other tenants of the manor, and in the opinion of the Board of Agriculture some special hardship or injustice would result if the land were released from the condition, the Board may continue and give effect to the condition by the award of enfranchisement.

PART II.

VOLUNTARY ENFRANCHISEMENT.

Power to effect voluntary enfranchisement.

14.—(1.) The lord of any manor may with the consent of the Board of Agriculture enfranchise any land held of the manor, and any tenant may with the consent of the Board accept an enfranchisement of his land.

(2.) The enfranchisement may be on such terms as subject to the provisions of this Act are settled by agreement between the lord and the tenant.

(3.) If the estate of the lord or of the tenant parties to the enfranchisement is less than an estate in fee simple in possession or corresponding copyhold or customary estate, and the tenant has not paid the whole of the cost of enfranchisement, the lord or tenant respectively shall give notice in writing of the proposed enfranchisement to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by the enfranchisement.

Consideration for voluntary enfranchisement.

15.—(1.) The consideration for a voluntary enfranchisement under this Act may be either—

(*a*) a gross sum payable at once or at any time fixed by the agreement; or

(*b*) a rentcharge charged on and issuing out of the land enfranchised; or

(*c*) a conveyance of land or of a right to mines or minerals; or

(*d*) a conveyance of a right to waste in lands belonging to the manor,

or may be provided partly in one and partly in another or others of those ways.

(2.) Land or a right to mines or minerals subject to the same or corresponding uses and trusts with the land enfranchised may be conveyed as consideration under this section.

(3.) Where the estate of the lord is less than an estate in fee simple in possession, and land not parcel of the manor, or a right to mines or minerals not in or under the land enfranchised, is conveyed as consideration under this section, the land or right must be convenient in the opinion of the Board of Agriculture to be held with the manor, and must be settled to uses or on trusts identical with or corresponding to those to or on which the manor is held.

Voluntary enfranchisement to be by deed.

16.—(1.) A voluntary enfranchisement under this Act may be effected with the consent of the Board of Agriculture by such a deed as would be proper on an enfranchisement by a lord seised of the manor for an absolute estate in fee simple in possession.

(2.) Where any person is entitled to notice of the proposed enfranchisement, the assent or dissent or acquiescence of that person in respect of the enfranchisement may be stated in writing to the Board of Agriculture when the enfranchisement deed is sent to them for confirmation. If any dissent in writing has been expressed, the Board shall withhold their consent to the deed

until they have made further inquiries, and are satisfied that the agreement is not fairly open to objection.

(3.) The Board may in every case cause any such further notices to be given and inquiries to be made as they think proper, before consenting to the enfranchisement deed.

Provisions for rentcharges under Act.

17. Where any part of the consideration for a voluntary enfranchisement under this Act is a rentcharge,—

(1.) The rentcharge may be—

(*a*) a fixed annual sum, or

(*b*) where it exceeds the sum of twenty shillings, an annual sum varying with the price of corn and calculated upon the same averages and variable in like manner as a tithe commutation rentcharge; and

(2.) The rentcharge may be made subject to an increase or diminution to be stated in the enfranchisement agreement, or afterwards fixed by valuers in any event which is provided for by the agreement; and

(3.) The tenant may grant the rentcharge by deed to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement with respect to the manor of which the land enfranchised is held; and

(4.) The rentcharge may be charged on all or any part of the land enfranchised.

Provisions where land is conveyed as consideration under this Part.

18. Where any part of the consideration for an enfranchisement under this Act is the conveyance of land or of a right to mines or minerals, or of a right to waste, the tenant may convey the land or right to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement in respect of the manor of which the land enfranchised is held.

Enfranchisement consideration to be a charge on land till paid.

19.—(1.) Where a voluntary enfranchisement is effected under this Act, the land enfranchised shall be charged with every sum payable to the lord in respect of the enfranchisement, with interest thereon from the day fixed by the enfranchisement deed for payment thereof until payment thereof.

(2.) The lord shall be deemed to be seised of the land subject to a charge under this section as mortgagee in fee, and may distrain on the land for any interest due in respect of the charge as if it were rent in arrear.

(3.) A charge under this section shall be a first charge on the land subject thereto, and shall have priority over all incumbrances whatsoever affecting the land (except tithe rentcharge and any charge having priority by statute), notwithstanding that those incumbrances are prior in date.

Commencement of enfranchisement.

20. The date at which a voluntary enfranchisement under this Act shall take effect, and the commencement of a rentcharge in consideration of a voluntary enfranchisement under this Act, may be fixed by the memorandum of confirmation of the enfranchisement deed, and if not so fixed shall be the date of the confirmation of the deed by the Board of Agriculture.

PART III.

EFFECT OF ENFRANCHISEMENT.

On enfranchisement land to become freehold.

21.—(1.) When an enfranchisement is made under this Act the following provisions shall, from and after the time when the enfranchisement takes effect, apply with respect to the land enfranchised:—

(*a.*) The land shall be of freehold tenure;

(*b.*) The lord shall be entitled, in case of an escheat for want of heirs, to the same right as he would have had if the land had not been enfranchised;

(*c.*) The land shall not be subject to the custom of borough English, or of gavelkind, or to any other customary mode of descent, or to any custom relating to dower or freebench or tenancy by the curtesy, or to any other custom whatsoever, but shall be subject to the same laws relating to descents, and dower, and curtesy as are applicable to land held in free and common socage:

Provided as follows:—

(i.) Nothing in this section shall affect the custom of gavelkind in the county of Kent;

(ii.) Nothing in this section contained with respect to dower, freebench, or curtesy shall apply to any person married before the date at which the enfranchisement takes effect;

(*d.*) The land shall be held under the same title as that under which it was held at the date at which the enfranchisement takes effect, and shall not be subject to any estate, right, charge, or interest affecting the manor;

(*e.*) Every mortgage of the copyhold estate in the land shall become a mortgage of the freehold for a corresponding estate, but subject to any charge having priority thereof by virtue of this Act.

(2.) An enfranchisement shall not, except as in this Act mentioned, affect the rights or interests of any person in the land enfranchised under a will, settlement, mortgage, or otherwise, but those rights and interests shall continue to attach upon the land enfranchised in the same way as nearly as may be as if the freehold had been comprised in the instrument or disposition under which that person claims.

(3.) Where land is, at the date at which the enfranchisement thereof under this Act takes effect, subject to any subsisting lease or demise, the freehold into which the copyhold estate is converted shall be the reversion immediately expectant on the lease or demise, and the rents and services reserved and made payable on, and the conditions in, or in respect of, the lease or demise, shall be incident and annexed to the reversion, and the covenants or agreements, expressed or implied, on the part of the lessor and lessee respectively shall run with the land and with the reversion respectively, and the enfranchisement shall not affect any right of distress, entry, or action accruing in respect of the lease or demise.

22. An enfranchisement under this Act shall not deprive a tenant of any commonable right to which he is entitled in respect of the land enfranchised, but where any such right exists in respect of any land at the date of the enfranchisement thereof it shall continue attached to the land notwithstanding the land has become freehold.

Exception for rights of common.

23.—(1.) An enfranchisement under this Act shall not without the express consent in writing of the lord or tenant respectively affect the estate or right of the lord or tenant in or to any mines minerals, limestone, lime, clay, stone, gravel, pits, or quarries whether in or under the land enfranchised or not, or any right of entry, right of way and search, or other easement of the lord or tenant in, on, through, over, or under any land, or any powers which in respect of property in the soil might but for the enfranchisement have been exercised for the purpose of enabling the lord or tenant, their or his agents, workmen, or assigns, more effectually to search for, win, and work any mines, minerals, pits, or quarries, or to remove and carry away any minerals, limestone, lime, stones, clay, gravel, or other substances had or gotten therefrom, or the rights, franchises, royalties, or privileges of the lord in respect of any fairs, markets, rights of chase or warren, piscaries, or other rights of hunting, shooting, fishing, fowling, or otherwise taking game, fish, or fowl.

Exception for mines and other rights.

Provided that the owner of the land so enfranchised shall, notwithstanding any reservation of mines or minerals in this Act or in the instrument of enfranchisement, but without prejudice to the rights to any mines or minerals, or the right to work or carry away the same, have full power to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains or erecting buildings or obtaining water on the land.

(2.) A steward shall not, without special authority, have power to consent on behalf of a lord under this section.

24.—(1.) On an enfranchisement under this Act there may be reserved or granted, with the consent of the tenant, to the lord any right of way or other easement in the land enfranchised for more effectually winning and carrying away any mines or minerals under the land.

Power for tenant to grant easements to lord.

(2.) The easement must be reserved by the award or granted in the deed of enfranchisement.

PART IV.

PROVISIONS AS TO CONSIDERATION MONEY, EXPENSES, RENTCHARGES.

Consideration Money.

25. The receipt of any person for any money paid to him in pursuance of this Act shall be a sufficient discharge for the money, and the person paying it shall not be bound to see to the application or be liable for the misapplication or loss thereof.

Power to give receipts.

Payment of enfranchisement money.

26.—(1.) Money payable under this Act as the compensation or consideration for an enfranchisement may, subject to the other provisions of this Act, be paid to the lord for the time being.

Provided that where any money is payable in pursuance of this section to a lord having only a limited estate or interest in the manor, the Board of Agriculture—

(*a*) if the money exceeds the sum of twenty pounds for all the enfranchisements in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act; and

(*b*) if the money does not exceed the sum of twenty pounds for all the enfranchisements in the manor, may direct it either to be paid in manner aforesaid, or to be retained by the lord for his own use, as in their discretion they think fit.

(2.) If a lord refuses to accept any money payable to him under this section the money shall be paid into Court or to trustees in manner provided by this Act.

(3.) If any money in respect of the compensation or consideration for an enfranchisement is paid to a lord whose title afterwards proves to be bad or insufficient, the rightful owner of the manor or his representative may recover the amount from the person to whom it was paid, or his representative, with interest at the rate of five pounds per cent. per annum from the time of the title proving to be bad or insufficient.

(4.) If any principal money is paid for enfranchisement to a person who is not entitled to receive it under the provisions of this Act, the land enfranchised shall continue to be charged with the payment of the money in favour of the person entitled:

Provided that the person entitled to the land may recover the money as against the person who wrongfully received it.

(5.) If any dispute arises as to the proper application, appropriation, or investment under this Act of any money payable in respect of an enfranchisement, the Board of Agriculture may decide the question, and their decision shall be final.

Rentcharges.

Payment of rentcharges under Act.

27. The following provisions shall apply to every rentcharge created under the provisions of this Act:—

(*a.*) The rentcharge shall be payable half-yearly on the first day of January and the first day of July in every year:

(*b.*) The first payment of a rentcharge shall be made on such one of those half-yearly days of payment as next follows the day fixed for the commencement of the rentcharge, or if no such day is fixed, the date of the award or deed of enfranchisement, and shall be of an amount proportional to the interval between the commencement of the rentcharge and the said day of payment:

(*c.*) The rentcharge shall be a first charge on the land charged therewith, and shall have priority over all incumbrances affecting the land except tithe rentcharge and any charge having priority by statute, notwithstanding those incumbrances are prior in date:

(*d.*) The rentcharge shall be deemed to be granted to the lord and his heirs, to the uses, on the trusts, and subject to the powers and provisions subsisting, at the date of the enfranchisement in consideration of which the rentcharge arises, in respect of the manor of which the land subject to the rentcharge was held, and shall be appendant and appurtenant to the manor, but not so as to be incapable of being severed therefrom or to be affected by the extinction thereof:

(*e.*) The rentcharge whenever created shall be recoverable by the like remedies as are provided by section forty-four of the Conveyancing and Law of Property Act, 1881, in respect of rentcharges created after the commencement of that Act. 44 & 45 Vict. c. 41.

Provided that an occupying tenant, who properly pays on account of a rentcharge any money which as between him and his landlord that tenant is not liable to pay, shall be entitled to recover from the landlord the money paid, or to deduct it from the next rent payable by the tenant; and an intermediate landlord who pays or allows any sum under this provision may in like manner recover it from his superior landlord, or deduct it from his rent.

Apportionment of rentcharge.

28. The persons for the time being entitled to a rentcharge under this Act, and to the land subject to the rentcharge respectively, whether in possession or in remainder or reversion expectant on an estate for a term of years, may apportion the rentcharge between the several parts of the land charged therewith.

Provided as follows:—

(*a.*) Where the person entitled to the land is not absolutely entitled thereto, the apportionment shall not be made without the consent of the Board of Agriculture; and

(*b.*) A person entitled to an undivided share in a rentcharge or land shall not exercise the powers of this section unless the persons entitled to the other undivided shares concur in the apportionment.

Protection of lessees from liability to rentcharge.

29. A sub-lessee under a sub-lease shall not, as between him and his lessor, be liable in consequence of the creation or apportionment of a rentcharge under this Act to pay any greater sum of money than he would have been liable to pay if the charge or apportionment had not been made.

Redemption of rentcharge.

30.—(1.) A rentcharge created under this Act may be redeemed on any half-yearly day of payment by the person for the time being in actual possession or in receipt of the rents and profits of the land subject to the rentcharge, on payment to the person for the time being entitled to receive the rentcharge of the consideration provided by this section.

Provided that where the person entitled to the rentcharge is entitled for a limited estate or interest only, the Board of Agriculture—

(*a.*) if the money exceeds the sum of twenty pounds for all the rentcharges under this Act in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act: and

(*b*) in any other case, may direct it either to be paid in manner aforesaid or to be retained by that person for his own use.

(2.) The consideration for the redemption of a rentcharge under this section shall—

(*a*) where the rentcharge is of fixed amount, be twenty-five times the yearly amount of the rentcharge; and

(*b*) in any other case, be a sum to be fixed by the Board of Agriculture on the request of the person entitled to redeem the rentcharge.

(3.) The person intending to redeem shall give to the person for the time being entitled to receive the rentcharge six months' previous notice in writing of his intention.

(4.) If on the expiration of the notice the redemption money and all arrears of the rentcharge are not paid, the person for the time being entitled to receive the rentcharge shall have for the recovery of the redemption money and all arrears, if any, of the rentcharge the like powers in respect of the land charged as are given by the Conveyancing and Law of Property Act, 1881, to a mortgagee in respect of the mortgaged property for the recovery of the mortgage debt and interest in a case where the mortgage is by deed.

44 & 45 Vict. c. 41.

(5.) When it appears to the Board of Agriculture that payment or tender of the consideration for the redemption of a rentcharge has been duly made, the Board may certify that the rentcharge has been redeemed and the certificate shall be conclusive.

(6.) The expenses incurred in redeeming a rentcharge under this section shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

Power to sell rentcharge.

31.—(1.) Where the person for the time being entitled to the receipt of a rentcharge under this Act is entitled thereto for a limited estate or interest only, or is a corporation not authorised to sell the rentcharge except under the provisions of this Act, that person may sell and transfer the rentcharge with the consent of the Board of Agriculture given under their seal.

(2.) When a rentcharge is sold under this section the consideration money for the sale shall be paid into Court or to trustees in manner directed by this Act.

Provided that when the consideration does not exceed the sum of twenty pounds for all the rentcharges under this Act in the manor the consideration may be paid, if the Board of Agriculture so direct, to the person for the time being entitled to receive the rentcharge for his own use.

Application of Money to be paid under Act into Court or to Trustees.

Payment of money into Court or to trustees.

32.—(1.) Where money is directed by or in pursuance of this Act to be paid into Court it shall be paid into the High Court in manner provided by rules of Court to an account ex parte the Board of Agriculture.

(2.) Where money is directed by this Act to be paid to trustees it shall be paid—

(*a*) if there are any trustees acting under a settlement under which the lord or owner of the manor or rentcharge in respect of which the money arises derives his estate or interest in the manor or rentcharge, then to those trustees or to such one or more of them as the Board of Agriculture direct, and

(*b*) in any other case to trustees appointed by the Board of Agriculture.

(3.) Where money may under the provisions of this Act be paid either into Court or to trustees, it may be paid either into Court or to trustees at the option (where the money arises in respect of an enfranchisement) of the lord for the time being, and (where it arises in respect of a rentcharge) of the owner for the time being of the rentcharge.

(4.)—(*a*.) The Board of Agriculture may appoint fit persons to be trustees for the purposes of this Act.

(*b*.) Where any trustee appointed by the Board of Agriculture dies the Board shall appoint a new trustee in his place.

(*c*.) Where any trustee appointed by the Board desires to resign, or remains out of the United Kingdom for more than twelve months, or refuses or is unfit to act, or is incapable of acting the Board may if they think fit appoint another trustee in his place.

(*d*) An appointment under this section must be by order under the seal of the Board of Agriculture.

Investment of money in Court or in hands of trustees.

33.—(1.) Where in pursuance of this Act any money in respect of an enfranchisement or the redemption or sale of a rentcharge is paid into Court or to trustees the money shall when paid into Court be applied under the direction of the Court, and when paid to trustees be applied, subject to the consent of the Board of Agriculture, by the trustees, in one, or partly in one and partly in another or others, of the following modes of application or investment; that is to say,

(*a*.) In the purchase or redemption of the land tax or in or towards the discharge of any incumbrance affecting the manor or the rentcharge or other hereditaments settled with the manor or rentcharge to the same or the like uses or trusts; or

(*b*.) In the purchase of land; or

(*c*.) In investment in two and three-quarters per centum consolidated stock or in Government or real securities, or in any of the investments in which trustees are for the time being authorised by law to invest; or

(*d*.) In payment to any person who would, if the enfranchisement or redemption or sale had not taken place, be absolutely entitled to the manor or the rentcharge respectively.

(2.) Land purchased under this section shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which are or would but for the enfranchisement or redemption or sale be subsisting in the manor or rentcharge, as the case may be, or as near thereto as circumstances permit.

(3.) The income of an investment under this section shall be paid to the person who is or would but for the enfranchisement be entitled to the rents and profits of the manor, or would but for the redemption or sale be entitled to the rentcharge, as the case may be.

(4.) An investment or other application of money in Court under this section shall be made on the application of the person who would for the time being be entitled to the income of an investment of the money.

Expenses.

Expenses of dealings under Act, how borne.

34.—(1.) The expenses of a compulsory enfranchisement under this Act shall be borne by the person who requires the enfranchisement.

(2.) A sum in respect of the expenses of a compulsory enfranchisement shall not be due or recoverable from any person until it has been certified by order of the Board of Agriculture to have been properly incurred.

(3.) The expenses of a voluntary enfranchisement under this Act shall be borne by the lord and tenant in such proportions as they agree, or in default of agreement as the Board of Agriculture direct.

(4.) All expenses which in the opinion of the Board of Agriculture are incidental to an enfranchisement, whether for proof of title, production of documents, expenses of witnesses, or otherwise, shall, for the purposes of this Act, be expenses of the enfranchisement.

(5.) Where there is any dispute as to the amount of the expenses payable by or to any person under this Act the Board of Agriculture may ascertain the amount and declare it by order, and the order shall be conclusive as to the amount and that it is payable by or to the persons mentioned in that behalf in the order.

(6.) If by reason of dispute as to title it appears to the Board of Agriculture to be uncertain on whom an order to pay expenses should be made, the Board may, if they think fit, grant to the person entitled to receive payment of the expenses a certificate of charge on the manor or land, as the case may be, in respect of which the expenses were incurred.

Recovery of expenses.

35.—(1.) When money is declared by this Act to be payable by any person on account of the expenses of proceedings under this Act—

(*a.*) It may be recovered as a debt due from the person liable to pay to the person entitled to receive it;

(*b.*) If the expenses are in respect of a compulsory enfranchisement, and the amount is certified by an order of the Board of Agriculture, it may be recovered in any way provided by this Act for the recovery of the consideration for the enfranchisement;

(*c.*) If the amount is certified by an order of the Board of Agriculture, and the person liable to pay the amount does not pay it immediately after receiving notice of the order, the

person to whom the amount is payable shall be entitled to obtain from a court of summary jurisdiction a warrant of distress against the goods of the person in default;

(*d.*) If the money is payable by a lord to a tenant, or by the owner of a rentcharge to the owner of the land charged, it may be set off against any money which at the time is receivable by the lord from the tenant, or by the owner of the rentcharge from the owner of the land charged, as the case may be.

(2.) If a tenant who is a trustee, or is not beneficially interested in the land of which he is tenant, properly pays any expenses of an enfranchisement under this Act, he may, except as against an unadmitted mortgagee, recover the amount paid from the person who is entitled to the land at the date of the enfranchisement.

(3.) If an occupier of land properly pays any expenses of an enfranchisement under this Act he may deduct the amount paid from his next rent.

Charge for Consideration Money and Expenses.

Charge for consideration money and expenses of tenant.

36.—(1.) Where an enfranchisement is effected under this Act the tenant may charge the land enfranchised with all money paid by him as the compensation or consideration for the enfranchisement, and with his expenses of the enfranchisement, or, with the consent of the lord, with any compensation payable, or with any part thereof respectively.

(2.) Where land is conveyed as the consideration for a voluntary enfranchisement under this Act, and the person conveying the land is absolute owner of the land conveyed, he may charge the land enfranchised with such reasonable sum as the Board of Agriculture consider to be equivalent to the value of the land conveyed and with the expenses of the conveyance.

(3.) Where a lord purchases under this Act a tenant's interest in land he may charge the land purchased, and the manor and any land settled therewith to the same uses, with the purchase money and the expenses of the purchase.

(4.) When a charge may be made under this section, the expenses of the charge may be included in the charge.

(5.) A charge under this section may be for a principal sum and interest thereon not exceeding five per cent. per annum, or may be by way of terminable annuity calculated on the same basis.

(6.) A charge under this section may be by deed by way of mortgage, or by a certificate of charge under this Act.

(7.) A charge under this section shall be a first charge on the manor or land subject to the charge, and shall have priority over all incumbrances whatsoever affecting the manor or land, except tithe rentcharge and any charge having priority by statute, notwithstanding that those incumbrances are prior in date.

(8.) Any money secured on land may be continued on the security thereof notwithstanding a charge under this section.

Charge for lord's expenses

37.—(1.) Expenses incurred by a lord in proceedings under this Act may—

(*a*) be paid out of any consideration or compensation money (where it is a gross sum) arising in respect of the proceedings; or

(*b*) be charged, together with the expenses of the charge, on the manor or on land settled to the same uses as the manor or on any rentcharge arising in respect of the proceedings or in respect of any enfranchisement made under this Act within the manor.

(2.) A charge under this section shall be by deed by way of mortgage, or by a certificate of charge under this Act.

(3.) This section does not apply to the expenses of a purchase by the lord of a tenant's interest under this Act.

Charge for consideration money where tenant's title proves bad.

38. If a tenant or person claiming to be tenant pays any money in respect of the compensation or consideration for an enfranchisement under this Act, and is afterwards evicted from the land enfranchised, he may claim against the land enfranchised the amount of the money or so much of it as is not charged on the land under the other provisions of this Act, and that amount shall be a charge on the land with interest thereon at the rate of four per cent. per annum from the date of the eviction.

Charge for money paid by mortgagee

39. If a mortgagee pays under this Act any compensation or consideration money or expenses in respect of an enfranchisement of or redemption of a rentcharge on the mortgaged property the amount so paid shall be added to his mortgage, and the mortgaged property shall not be redeemable without payment of that amount and interest thereon.

Power to advance sums required for purposes of Act.

40. Any company authorised to make advances for works of agricultural improvement to owners of settled and other estates, may, subject and according to the provisions of its Act of Parliament, charter, deed, or instrument of settlement, make advances to owners of settled and other estates of such sums as may be required for the payment of any compensation or consideration for enfranchisement under this Act, or of any expenses chargeable on a manor or land under this Act or otherwise, and take for their repayment a charge for the same in accordance with those provisions respectively.

Certificates of charge.

41.—(1.) A certificate of charge under this Act shall be under the seal of the Board of Agriculture, and shall be countersigned by the person at whose instance the charge is made.

(2.) If the charge is by way of terminable annuity the certificate shall state the amount of the annuity and the term during which it is payable.

(3.) If the charge is for a principal sum and interest the certificate shall state the amount of the principal sum and the rate of interest, and shall contain a proviso declaring that the certificate shall be void on payment of the principal with any arrears of interest due thereon at a time specified in the certificate or at the expiration of an ascertained notice.

(4) The manor or land charged by the certificate may be described by reference to the proceedings under this Act in respect of which the charge is made, or otherwise as the Board of Agriculture see fit.

(5) The certificate and the charge made thereby shall be transferable by endorsement on the certificate

(6.) A certificate of charge taken by the lord of any manor or by the tenant or owner of any land shall not merge in the freehold or other estate in the manor or land unless the owner of the charge, by endorsement on the certificate or otherwise, declares in writing his intention that the charge shall merge.

(7.) The owner for the time being of a certificate of charge shall have for the recovery of any sum in the nature of interest or periodical payment becoming due under the certificate the like remedies as the owner of a rentcharge under this Act has in respect of his rentcharge, and shall also have, in respect of every sum whether in the nature of interest or periodical payment or principal sum secured by the certificate, the like remedies as a mortgagee in fee simple of freehold land has in respect of the principal sum and interest secured by his mortgage.

(8) A certificate of charge and a transfer thereof may be in the forms contained in that behalf respectively in the First Schedule to this Act, or in forms to the like effect.

PART V.

ADMINISTRATIVE PROVISIONS.

Notice of Right to enfranchise.

Notice of right to enfranchise to be given by steward.

42.—(1) On the admittance or enrolment of any tenant, the steward of the manor shall, without charge, give to the tenant admitted or enrolled, a notice of his right to obtain enfranchisement.

(2.) The notice shall be in the form contained in that behalf in the First Schedule to this Act, or in a form to the like effect.

(3) If a steward neglects on any admittance or enrolment to give the notice required by this section, he shall not be entitled to any fee for that admittance or enrolment.

Parties to Proceedings under Act.

Limited owners.

43. Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that his estate in the manor or land is a limited estate only.

Trustees.

44.—(1.) Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that he is a trustee.

(2) Where the lords or the tenants are trustees and one or more of the trustees is abroad or is incapable or refuses to act, any proceedings necessary to be done by the trustees for effecting an enfranchisement under this Act may be done by the other trustee or trustees.

Representation of infants, lunatics, &c.

45. When a lord or a tenant or any person interested in an enfranchisement or redemption or sale or otherwise under this Act is an infant or a lunatic, or is abroad or is unknown or not ascertained, anything by this Act required or authorised to be done by or in respect of him shall be done on his behalf, if he is an infant and has a guardian, by his guardian, and if he is a lunatic and there is a committee of his estate, by the committee, and if he is abroad and has an attorney authorised in that behalf, by his attorney, and in every other case by some fit person appointed by the Board of Agriculture to represent him for the purposes of this Act.

Married woman for purposes of Act to be feme sole.

46. A married woman being lady of a manor or tenant shall, for the purposes of this Act, be deemed to be a feme sole.

Steward in general to represent lord.

47.—(1.) A lord for the purposes of this Act may act either on his own behalf, or by his steward, or may appoint an agent other than his steward to act for him.

(2.) Unless and until a lord has given to a tenant and to the Board of Agriculture notice in writing that he intends to act on his own behalf, or has appointed an agent (to be named in the notice) other than his steward to act for him, the steward shall for the purposes of this Act represent the lord in all matters of procedure, and the tenant and the Board may treat the steward as the agent of the lord for the purpose of giving and receiving notices, and (except where this Act expressly requires a special authority from the lord) of making agreements, and of all other matters relating to enfranchisement.

Appointment of agent by power of attorney.

48.—(1.) A lord or tenant or other person interested in any proceedings under this Act may by power of attorney appoint an agent to act for him in the execution of this Act.

(2.) The power of attorney must be in writing, and must be signed by the person giving it, or, if it is given by a corporation aggregate, be sealed or stamped with the seal of the corporation.

(3.) The power of attorney, or a copy thereof authenticated by the signature of two witnesses, must be sent to the Board of Agriculture.

(4.) The appointment of an agent under this section may be revoked by the person who gave it sending to the Board notice in writing, signed or sealed as the case requires, of the revocation.

(5.) When an agent has been appointed under this section, and the agency is subsisting—

(*a.*) Everything which is by this Act directed or authorised to be done by or in relation to the principal, may be done by or in relation to the agent; and

(*b.*) The agent may concur in and execute any agreement or application or document arising out of the execution of this Act; and

(*c.*) Every person shall be bound by the acts of the agent acting within his authority, as if they were the acts of the principal.

(6.) A power of attorney under this section may be in the form mentioned in that behalf in the First Schedule to this Act, or in a form to the like effect.

49.—(1.) The proceedings for or in relation to an enfranchisement under this Act shall not abate by the death of the lord or tenant pending the proceedings. Death pending proceedings.

(2.) Where an admittance or enrolment is necessary in consequence of the death, the admittance or enrolment shall be made, but no fine, relief, or heriot shall be payable to the lord in consequence of a death or any admittance or enrolment on a death occurring between the date of a notice to enfranchise or a completed agreement for enfranchisement under this Act, and the enfranchisement in pursuance of that notice or agreement, and the compensation shall be ascertained on the same footing as if the enfranchisement had been effected immediately after the commencement of the proceedings.

50. All rights conferred and all liabilities imposed by this Act on a lord or on a tenant shall be held to be conferred and imposed respectively on the successors in title of the lord and tenant unless a contrary intention appears. Succession of rights and liabilities.

51.—(1.) Before any enfranchisement under this Act the Board of Agriculture may if they think fit require the lord or his steward to make a statutory declaration in such form as the Board direct, stating who are the persons for the time being filling the character or acting in the capacity of lord, the nature and extent of the estate and interest of the lord in the manor, and the date and short particulars of the deed, will, or other instrument under which he claims or derives the title, and the name and style of the person in whose name the court of the manor was last holden, and the date of the holding of that court, and the incumbrances, if any, affecting the manor, and the Board may accept a declaration made under this section for the purposes of this Act. Power to require declaration as to lord's title.

(2.) If the lord or his steward does not make a declaration which he is required to make in pursuance of this section, or if in the opinion of the Board the declaration does not fully and truly disclose all the necessary particulars, or if the lord refuses to give any evidence which the Board think proper and necessary to show a satisfactory primâ facie title in the lord, or if the Board think that the incumbrancers should be protected, the Board may, if they think the justice of the case requires it, direct the compensation or consideration where it is a gross sum to be paid into Court or to trustees in manner directed by this Act.

(3.) Where the lord applies to the Board to effect an enfranchisement under this Act, the Board shall, if the tenant of the land proposed to be enfranchised so requires, satisfy themselves of the title of the lord.

Questions arising in Proceedings under Act.

52. On an enfranchisement under this Act— Boundaries.

(1.) Where the identity of any land cannot be ascertained to the satisfaction of the valuers, if the quantity of the land is mentioned in the court rolls of the manor, and is therein stated to be in statute measure, the land shall be taken to be of that quantity, and in every other case the quantity shall be determined by the valuers:

(2.) Where the land is not defined by a plan on the court rolls the valuers shall, if requested in writing by the lord or the tenant, define the boundaries of the land by a plan:

Provided that a plan shall not be made except by agreement between the lord and tenant where it appears by the court rolls or otherwise that the boundaries of the land have been for more than fifty years last past treated as being intermixed with the boundaries of other lands and as being incapable of definition:

(3.) Where, after the appointment of valuers, there is any doubt or difference of opinion as to the indentity of any land, the lord or tenant may apply to the Board of Agriculture to define the boundaries of the land for the purposes of the enfranchisement, and the Board shall ascertain and define the boundaries in such manner as they think proper:

(4.) A plan made under this section and approved by the Board, and a definition of boundaries by the Board under this section, shall be conclusive as between the lord and the tenant.

Power for Board to decide questions arising in enfranchisements.

53.—(1.) If any objection is made or question arises in the course of the valuation in a compulsory enfranchisement under this Act in relation to any alleged custom, or the evidence thereof, or any matter of law or fact material to the valuation or arising on the enfranchisement, the lord or tenant may require, in writing, that the question be referred to the Board of Agriculture, and the Board shall inquire into and decide the question, and their decision shall, subject to the appeal provided by this section, be final.

(2.) Either party may appeal to the High Court by way of special case from a decision of the Board on a matter of law, subject to the following provisions, that is to say:—

(*a.*) An application to state a case must be made to the Board within twenty-eight days after the decision appealed from:

(*b.*) The person applying for the case must give to the other party to the inquiry not less than fourteen days' previous notice in writing of the intended application:

(*c.*) The case shall, if the parties differ, be settled by the Board:

(*d.*) The judgment of the court on a special case shall be final and binding on the parties and on the Board.

Power to call for production of documents and examine witnesses.

54.—(1.) The Board of Agriculture, or a valuer, may, for the purposes of this Act, by summons under the seal of the Board—

(*a*) call for the production, at such time and place as the Board appoint, of any court rolls or copies of court roll, or any books, deeds, plans, documents or writings relating to any matter before them, in the possession or power of any lord or tenant or steward; and

(*b*) summon to attend as witness any lord or tenant or other person.

(2.) The Board or a valuer may examine any witness on oath and may administer the oath necessary for that purpose.

(3.) A lord or tenant summoned under this section shall not be bound to answer any question as to his title.

(4.) If any person summoned under this section, to whom a reasonable sum has been paid or tendered for his expenses, without

lawful excuse neglects or refuses to attend, or to give evidence, or to produce a document in pursuance of the summons, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) If any person wilfully gives false evidence in any proceeding under this Act he shall be guilty of perjury.

(6.) If any person wilfully destroys or alters any document of which the production is required under this section he shall be guilty of a misdemeanor.

Expenses of inquiries before Board.

55. The Board of Agriculture may, if they think fit, order that the expenses of any inquiry by the Board under this Act, including the expenses of witnesses, and of the production of documents, be paid by the parties to the inquiry, and to such person, and in such proportions, as the Board think proper.

Power to transfer charges on manor to other land or stock.

56.—(1.) Where, in the course of an enfranchisement under this Act, it is found that a manor or the lord's estate and interest in any land belonging thereto, which may be the subject of enfranchisement, is subject to the payment of a fee-farm rent or to any other charge, the Board of Agriculture may, on the application of the person for the time being bound to make the payment or defray the charge, by order under their seal, direct that the rent or charge shall be a charge on any freehold land specified in the order of adequate value and held under the same title as the manor or land respectively, or on an adequate amount of Government stocks or funds to be transferred into Court by the direction of the Board or into the names of trustees appointed by the Board.

(2.) From and after the sealing of the order the manor and land shall be discharged from the rent or charge, and the rent or charge shall be a charge on the land or the funds specified in that behalf in the order.

(3.) There shall, by virtue of this Act, be attached, so far as the nature of the case will admit, to every charge under this section the like remedies, as against the land or funds made subject thereto, for the recovery of the amount charged as might have been had as against the manor or land in respect of the original charge.

Notices, Instruments, and Forms.

Notices.

57.—(1.) A notice required or authorised by this Act to be given to any person must be given in writing and may be given—

(*a*) by leaving it at his usual or last known place of abode or business in the United Kingdom; or

(*b*) by sending it by post in a registered letter addressed to him at that place; or

(*c*) where he is a tenant of any premises, by delivering the notice or a true copy of it to some person on the premises, or if there is no person on the premises to whom it can be delivered with reasonable diligence, by fixing it on some conspicuous part of the premises.

(2.) Where a notice is required by this Act to be given by the Board of Agriculture or a valuer and no other mode of giving the notice is directed, the notice may be either in the name of the Board or valuer, as the case may be, or on their behalf respectively in the name of any person authorised by the Board to give notices.

Stamp duty.

58.—(1.) An agreement, valuation, or power of attorney under this Act shall not be chargeable with stamp duty.

(2.) An enfranchisement award shall be chargeable with the like stamp duty as is chargeable in respect of an enfranchisement deed.

(3.) A certificate of charge under this Act and a transfer thereof shall be chargeable with the like stamp duty as is chargeable in respect of a mortgage and a transfer of a mortgage respectively.

Payment of office fees.

59. The Board of Agriculture may require the payment of all office fees and other expenses of the Board from either lord or tenant requesting the delivery of any award, deed, or order under this Act, before delivering it.

Power for Board to correct errors in instruments.

60.—(1.) The Board of Agriculture may at any time if they think fit, on the application of any person interested in an award or deed of enfranchisement or charge or other instrument made or issued or having effect under the provisions of this Act, correct or supply any error or omission arising from inadvertence in that instrument.

(2.) Before making an alteration under this section the Board shall give such notice as they think proper to the persons affected by the alteration.

(3.) An alteration shall not be made in an instrument relating to a voluntary enfranchisement without the consent in writing of the persons affected by the alteration.

(4.) The expenses of and incidental to an application under this section shall be paid by the persons interested in the application or some of them if and as the Board direct.

Execution of enfranchisement instrument to be conclusive of regularity of proceedings.

61.—(1.) The confirmation under the seal of the Board of Agriculture of an award of enfranchisement, and the execution by the Board of a deed of enfranchisement respectively, shall be conclusive evidence of compliance with all the requirements of this Act with respect to proceedings to be taken before the confirmation or execution.

(2.) An award or deed of enfranchisement shall not be impeached by reason of any omission, mistake, or informality therein or in any proceeding relating thereto, or of any want of any notice or consent required by this Act, or of any defect or omission in any previous proceedings in the matter of the enfranchisement.

Inspection of court rolls after enfranchisement.

62.—(1.) Any person interested in any land enfranchised under this Act may at any time inspect and obtain copies of the court rolls of the manor of which the land was held on payment of a reasonable sum for the inspection or copies.

(2.) The Board of Agriculture may, if they think fit, fix a scale of fees to be paid to the steward or person having custody of the court rolls for the inspection and for making extracts or copies.

Evidence from instruments under repealed Acts. 4 & 5 Vict. c. 35.

63.—(1.) Any person interested in any land included in any enfranchisement or commutation made by apportionment under the Copyhold Act, 1841, may inspect and obtain copies of or extracts from any instrument relating to the enfranchisement or commutation deposited with a clerk of the peace or steward of a manor under that Act.

(2.) A person requiring under this section inspection of or a copy of or extract from any instrument shall give reasonable notice to the person having the custody of the instrument, and shall pay to him for every inspection a fee of two shillings and sixpence and for every copy and extract a fee at the rate of twopence for every seventy-two words in the copy or extract.

(3.) Every recital or statement in, or agreement, schedule, map, plan, document, or writing annexed to a confirmed apportionment made under the said Act shall be sufficient evidence of the matters recited or stated, and of the accuracy of the map or plan respectively.

Custody of court rolls after enfranchisement.

64.—(1.) When all the lands held of a manor have been enfranchised, the lord, or with the consent of the lord, any person having custody of the court rolls and records of the manor may hand over all or any of the court rolls and records to the Board of Agriculture or to the Master of the Rolls.

(2.) Where any court rolls or other records are in the custody of the Board of Agriculture, the Board may hand over all or any of them to the Master of the Rolls.

(3.) Any person interested in any enfranchised land may inspect and obtain copies of and extracts from any court rolls or records in the custody of the Board, or of the Master of the Rolls, relating to the manor of which that land was held or was parcel, on payment of such reasonable fees as are fixed from time to time by the Board or the Master of the Rolls respectively.

(4.) The Master of the Rolls may undertake the custody of court rolls and records handed over to him under this section, and may make rules respecting the manner in which, and the time at which inspection may be made and copies and extracts may be obtained of and from the court rolls and records in his custody, and as to the amount and mode of payment of the fees for the inspection, copies, and extracts respectively.

(5.) Every rule made under this section shall be laid, as soon as may be, before both Houses of Parliament.

Board to frame and circulate forms.

65. The Board of Agriculture shall frame and cause to be printed forms of notices and agreements and such other instruments as in their judgment will further the purposes of this Act, and shall supply any such form to any person who requires it, or to whom the Board think fit to send it, for the use of any lord or tenant desirous of putting this Act into execution.

Board to publish a scale of compensation.

66.—(1.) The Board of Agriculture shall frame, and cause to be printed and published—

(*a*) such a scale of compensation for the enfranchisement of land from the several rights and incidents, including heriots, specified or referred to in this Act, as in their judgment will be fair and just and will facilitate enfranchisement, together with such directions for the lord, tenant, and valuers as the Board think necessary; and

(*b*) a scale of allowance to valuers for their services in the execution of this Act.

(2.) The Board may vary any such scale.

(3.) The scales published by the Board under this section shall be for guidance only, and shall not be binding as a matter of law in any particular case.

(4.) The person requiring an enfranchisement shall state to the other party to the enfranchisement whether he is or is not willing to adopt the scale of compensation published by the Board.

Legal Proceedings.

Proceedings under Act not to be quashed for want of form nor removed by certiorari.

67. An order or proceeding under this Act by, or before, or under the authority of the Board of Agriculture, or a conviction under this Act, shall not be quashed for want of form, and shall not be removed by certiorari or otherwise into the High Court or any other court.

PART VI.

APPLICATION OF ACT TO SPECIAL MANORS.

Proceedings for determining compensation in certain enfranchisements of Crown lands.

68.—(1.) Where a manor is vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, either in possession or in remainder expectant on an estate less than an estate of inheritance, and either solely or in coparcenary with a subject, and the Commissioners of Woods or the Chancellor and Council of the Duchy of Lancaster in exercise of the powers vested in them enter into negotiations for the enfranchisement of any land held of the manor, and cannot agree with the tenant as to the amount of the consideration money to be paid by him for the enfranchisement to the Commissioners or to the Receiver-General of the Duchy of Lancaster as the case may be, the Commissioners or the Chancellor and Council, as the case may be, may, if they think fit, on the request of the tenant, and on an agreement for the enfranchisement being entered into by them and the tenant respectively, refer it to the Board of Agriculture to appoint a surveyor to determine the said amount.

(2.) The Board of Agriculture shall on a reference being made under this section appoint a practical land surveyor for the purposes of the reference, and his award shall be final.

(3.) The expenses of and incidental to a reference under this section shall be treated as expenses on a compulsory enfranchisement at the instance of the tenant.

Voluntary enfranchisement under Act in certain Crown manors.

69.—(1.) Where a manor is vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance, the manor and any land held of the manor may, with the consent in writing of the Commissioners of Woods or one of them, be dealt with under the provisions of this Act with respect to a voluntary enfranchisement, subject to the provisions of this section.

(2.) Where the consideration for an enfranchisement under this section is a gross sum it shall either be paid to two trustees to be appointed for the purpose, one by the Commissioners of Woods or one of them, and one by the person for the time being entitled to the rents and profits of the manor, or be paid into Court to the

account of ex parte Her Majesty the Queen and the person so entitled as aforesaid.

(3.) Money paid to trustees or into Court under this section shall be applied—

(*a*) in the purchase or redemption of the land tax affecting the manor or any other land settled to the like uses as the manor; or

(*b*) in the purchase of land in fee simple convenient to be held with the manor; or

(*c*) in investment on Government or real securities or in any of the investments in which trustees are for the time being authorised by law to invest.

(4.) The income of an investment under this section shall be paid to the person for the time being entitled to the rents and profits of the manor.

(5.) Where land is purchased with any consideration money under this section, or where the consideration consists of a rentcharge, the land or rentcharge shall be conveyed to the uses on the trusts and subject to the powers and provisions then affecting the manor or as near thereto as circumstances permit.

(6.) On the payment of the consideration where it is a gross sum of money, or on or before the execution of the conveyance of the rentcharge, where the consideration is a rentcharge, the Commissioners of Woods or one of them may join with the person for the time being entitled to the rents and profits of the manor in executing a deed of enfranchisement.

(7.) The deed shall state in what manner the enfranchisement money, if any, has been applied.

(8.) The deed shall on the enrolment thereof being made in manner provided by this Act, vest in the tenant all the estate, right, and interest of Her Majesty in right of the Crown and of all other persons interested under the settlement of the manor in the land enfranchised, either absolutely or subject to the reservations, if any, contained in the deed.

(9.) A trustee appointed under this section by the Commissioners of Woods or one of them shall be indemnified by the Commissioners out of the rents and profits of the possessions and land revenues of the Crown from all costs and expenses, if any, which he incurs in the execution of the trust, and of which he does not obtain repayment out of the trust moneys.

Enfranchisement in manors held in joint tenancy with the Crown.

70. A manor vested in Her Majesty in right of the Crown in possession, remainder, or reversion, in joint tenancy or coparcenary with a subject may, so far as regards the rights and interests of the subject and of the tenant, be dealt with under this Act, and the provisions of this Act relating to enfranchisements in manors vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance shall apply so far as regards the share or interest of Her Majesty.

Enrolment of instruments on enfranchisements in Crown manors.

71.—(1.) The Keeper of Land Revenue Records and Enrolments shall, for the purpose of preserving a record of enfranchisements under this Act of land held of manors vested in Her Majesty, provide a book in which shall be entered a memorial of every deed

of enfranchisement of any such land, and of every grant of a rent-charge on the enfranchisement, and of every conveyance of land purchased with the enfranchisement money.

(2.) The memorial, where it is of a conveyance of land, shall be accompanied by a plan of the land.

(3.) The memorial of any instrument under this section shall be signed by one of the parties to the instrument.

(4.) An instrument of which a memorial is required to be enrolled under this section shall not take effect until there has been written thereon a certificate signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, that a memorial thereof has been lodged at the office of Land Revenue Records and Enrolments.

(5.) A certificate purporting to be signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the facts stated therein.

(6.) A copy of the enrolment of the memorial purporting to be signed and certified to be a true copy by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the deed or instrument or facts referred to in the memorial.

(7.) The Treasury may direct what reasonable fees shall be paid in respect of an enrolment under this section, and fees paid for an enrolment shall be deemed to be expenses of the enfranchisement or purchase, as the case may be, in respect of which the enrolment is made.

Consent of ecclesiastical corporations, &c., required to dealings with manors in which they are interested.

72.—(1.) An agreement for an enfranchisement shall not be valid—

(*a*) where the manor or land to be affected by the enfranchisement is held under an ecclesiastical or other corporation; or

(*b*) where any such corporation or the patron of a living is interested in the manor or land to the extent of one third of the value thereof; or

(*c*) where in the opinion of the Board of Agriculture any such corporation would be affected by the enfranchisement,

unless the agreement is made with the consent in writing of that corporation or person.

(2.) A consent under this section must, in the case of a corporation aggregate, be under the seal of the corporation, and in other cases be signed by the person giving it, and must in every case be annexed to the agreement to which it relates.

Notice to Ecclesiastical Commissioners in certain cases.

73. Where land proposed to be enfranchised under the provisions of this Act with respect to compulsory enfranchisement is held of a manor belonging either in possession or reversion to an ecclesiastical corporation, the Ecclesiastical Commissioners shall have notice of the proceedings, and shall have the like power of expressing assent to or dissent from the proceedings as is provided by this Act with respect to a person entitled in reversion or remainder, and the provisions of this Act with respect to the notice, and the proceedings thereon, shall apply accordingly.

74.—(1.) Any compensation or consideration money to be paid under this Act for the use of any spiritual person in respect of his benefice or cure may at the option of the lord be paid to Queen Anne's Bounty, and the receipt of the treasurer shall be a sufficient discharge.

Enfranchisement money for use of spiritual person may be paid to Queen Anne's Bounty.

(2.) Money paid under this section shall be applied by the Bounty as money in their hands appropriated for the augmentation of the benefice or cure, as the case may be.

75. Where on an enfranchisement under this Act it appears to the Board of Agriculture that the enfranchisement might have been effected under the Episcopal and Capitular Estates Act, 1853, or any Act amending the same—

Application of enfranchisement money where enfranchisement might have been under 14 & 15 Vict c 104.

(*a*) the consideration for the enfranchisement shall be paid and applied in like manner as if an enfranchisement had been effected under the said Episcopal and Capitular Estates Act and the Acts amending the same; and

(*b*) the Church Estates Commissioners and Ecclesiastical Commissioners respectively shall have the same powers over the consideration money and the interest thereon, and over any land, rentcharges, or securities acquired in respect of the enfranchisement, and over or against any ecclesiastical corporation interested therein respectively, as they would have had if the enfranchisement had been effected with the consent of the Church Estates Commissioners under the said Acts:

Provided that where an ecclesiastical corporation or the Ecclesiastical Commissioners have only a reversionary interest in the manorial rights extinguished by the enfranchisement, the consideration, if it is a gross sum, shall be paid into Court or to trustees, and applied under this Act accordingly until the time when the reversionary interest would if it were not extinguished have come into possession, and the consideration money and the investments thereof shall then be paid or transferred to the Church Estates Commissioners as persons absolutely entitled thereto.

76.—(1.) Where a corporation, or any person, lord of a manor held on a charitable trust within the provisions of the Charitable Trusts Acts, 1853 to 1891, is not authorised to make an absolute sale otherwise than under those Acts, or this Act, the compensation or consideration payable to the lord for an enfranchisement or for the redemption or sale of a rentcharge under this Act may at the option of the lord be paid to the Official Trustees of Charitable Funds in trust for the charity.

Enfranchisement money may be paid to official trustees of charitable funds on behalf of charity

(2.) Any principal money paid to the Official Trustees under this section shall be applied by them under the order of the Charity Commissioners for the like purposes as if it had been paid into Court under this Act, and in the meantime the money shall be invested, and the income of the investments applied, under the provisions of the said Charitable Trusts Acts with respect to charitable funds paid to the Official Trustees.

77. Any compensation or consideration money to be paid under this Act to the use of a corporation, lord of a manor other than a manor held for charitable purposes within the meaning of the

Enfranchisement money for use of corporation

may be paid to trustees. 16 & 17 Vict. c. 137. 18 & 19 Vict. c. 124.

Charitable Trusts Act, 1853, and the Charitable Trusts Amendment Act, 1855, may at the option of the lord be paid to trustees appointed by the Board of Agriculture for the purposes of this Act.

Provision for case of joint lords of manors belonging to universities and colleges.

78. Where any manor belonging to any of the Universities of Oxford, Cambridge, and Durham, or any college therein, or to either of the colleges of St. Mary at Winchester, near Winchester, or King Henry the Sixth at Eton, is held by any person on a lease for a life or lives, or for a term of years granted by any such university or college, that university or college and lessee shall jointly constitute the lord of the manor within the meaning of this Act, and any rentcharge created under this Act on the enfranchisement of land held of that manor shall be in favour of, and the compensation for the enfranchisement may be paid to, the person who at the date of the enfranchisement is entitled in possession to the profits of the manor, his executors and administrators, but without prejudice to any question as to the further disposal of any money paid in respect of the rentcharge or other compensation respectively. Provided that on the determination of such lease as aforesaid any money so paid or any securities in which the same may have been invested shall be paid or applied as enfranchisement money is directed to be paid and applied by section one of the Universities and College Estates Act, 1858.

21 & 22 Vict. c. 44.

Provisions where derivative interests are entered on rolls.

79. The following provisions shall apply to every manor in which the fines are certain, and in which it is the practice for copyholders in fee to grant derivative interests to persons who are admitted as copyholders of the manor in respect of those interests:—

(1.) In the application of this Act to any such manor the tenant shall be the person who is admitted or enrolled in respect of the inheritance, and that person is in this section called the tenant-in-fee.

(2.) The enfranchisement of land to a tenant-in-fee shall enure for the benefit of every person having any customary estate or interest in the land at the date of the enfranchisement, and every such person shall become entitled to an estate or interest in the land corresponding with his customary estate or interest.

(3.) All rentcharges payable in respect of the enfranchisement, and all sums of money payable by a tenant-in-fee for compensation or the expenses of enfranchisement, and the interest thereon, shall, if the parties do not otherwise agree, be borne and paid by the several persons for whose benefit the enfranchisement enures in proportion to their respective interests in the enfranchised land.

(4.) If a dispute arises respecting the apportionment of any such charge or payment, the Board of Agriculture may, on the application of any person interested, after due inquiry make an order apportioning the same.

(5.)—

(*a.*) On the request of the lord, or of one fourth in number of the copyholders for the time being on the court roll of

the manor, and on such provision being made for expenses as the Board require, the Board may make a local inquiry for the purpose of ascertaining whether the copyholders of the manor desire that an enfranchisement be effected throughout the manor:

(*b*.) If the Board find that not less than two thirds in number of the copyholders desire the enfranchisement, they shall make an order declaring that enfranchisement of all copyhold tenements of the manor shall take place, and they shall thereupon proceed to ascertain the compensation payable to the lord on the enfranchisement of each tenement held by a tenant-in-fee, and to effect the enfranchisement of that tenement accordingly. The compensation in every case shall consist of a gross sum of money, unless the lord and tenant-in-fee otherwise agree:

(*c*.) When an order declaring enfranchisement as aforesaid has been made—

(i.) All the tenants-in-fee shall contribute rateably to the expenses of the inquiry according to the amount of compensation payable by them respectively,

(ii.) The tenant-in-fee and all copyholders holding derivative interests in the same tenement shall contribute rateably, according to the value of their respective interests, to the compensation, and to all expenses attending the enfranchisement payable by the tenants, including the contribution of the tenant-in-fee to the expenses of the inquiry;

(iii.) The Board may apportion the contributions between the several tenants-in-fee, and also between the several tenants of each tenement, and may make orders for the payment of the contributions and expenses by the persons from whom they are due;

(iv.) The Board shall not without the consent of the tenant-in-fee make an award for the enfranchisement of any tenement, until they have apportioned the contributions between the tenant-in-fee and the tenants holding derivative interests in the tenement, and have made orders for payment of, or have satisfied themselves that the tenant-in-fee has full security for, the amounts which the tenants of derivative interests are to contribute:

(6.) Every order of apportionment made by the Board shall be binding on all persons interested in the apportionment, and the expenses of and incident to the apportionment shall be paid by those persons, or any of them, as the Board direct.

Application of Act to part of manor.

80.—(1.) The Board of Agriculture may by order under their seal direct that a part of a manor specified in the order shall be considered as a manor for the purpose of effecting an enfranchisement under this Act, and all the provisions of this Act shall apply accordingly.

(2.) An order shall not be made under this section for the purposes of a voluntary enfranchisement without the consent of the lord in writing under his hand and seal.

PART VII.

GENERAL LAW OF COPYHOLDS.

Restraint on creation of new copyholds.

81.—(1.) It shall not be lawful for the lord of any manor to make grants of land not previously of copyhold tenure to any person to hold by copy of court roll, or by any customary tenure, without the previous consent of the Board of Agriculture.

(2.) The Board of Agriculture in giving or withholding their consent to a grant under this section shall have regard to the same considerations as are to be taken into account by them in giving or withholding their consent to an inclosure of common lands.

(3.) When a grant has been lawfully made under this section the land therein comprised shall cease to be of copyhold tenure, and shall be vested in the grantee thereof to hold for the interest granted as in free and common socage.

Power to hold customary court though no copyholder present.

82.—(1.) A customary court may be held for a manor—

(*a*) although there is no copyhold tenant of the manor; and

(*b*) although there is no copyhold tenant or only one copyhold tenant present at the court; and

(*c*) either by the lord or steward or deputy steward.

(2.) A court held under the authority of this section shall be a good and sufficient customary court for all purposes:

Provided as follows:—

(*a.*) A proclamation made at the court shall not affect the right or interest of any person not present at the court unless notice of the proclamation is duly served on him within one month after the holding of the court; and

(*b.*) This section shall not apply to a court held for the purpose of receiving the consent of the homage to a grant of common or waste land to hold by copy of court roll.

Power to make grants out of manor and out of court.

83. Where a lord may grant land to hold by copy of court roll or by any customary tenure the grant may be made—

(*a*) out of the manor; and

(*b*) without holding a court; and

(*c*) either by the lord or steward or deputy steward:

Provided that where by the custom of a manor the lord is authorised with the consent of the homage to grant any common or waste lands to hold by copy of court roll, this section shall not authorise the lord to make the grant without the consent of the homage assembled at a customary court.

Manner of making admittance.

84.—(1.) A valid admittance to land of copyhold or customary tenure may be made—

(*a*) out of the manor; and

(*b*) without holding a court; and

(*c*) without a presentment by the homage of the surrender, instrument, or fact in pursuance of which the admittance is made; and

(*d*) either by the lord or steward or deputy steward.

(2.) Any person entitled to admittance may be admitted by his attorney duly appointed whether orally or in writing.

Surrenders, &c. out of court to be entered on court rolls.

85.—(1.) Every surrender and deed of surrender which a lord is compellable to accept or accepts, and every will a copy of which is delivered to him either at a court at which there is not a homage assembled or out of court, and every grant or admittance made in pursuance of this Act, shall be entered on the court rolls.

(2.) An entry made in pursuance of this section shall be as valid for all purposes as an entry made in pursuance of a presentment by the homage.

(3.) The steward shall be entitled to the same fees and charges for an entry under this section as for an entry made in pursuance of a presentment by the homage.

Power to alienate ancient tenements in portions with licence of lord

86.—(1.) A lord may, notwithstanding any custom to the contrary, grant a licence to a tenant to alienate his ancient tenement or any part thereof by devise, sale, exchange, or mortgage, and either together or in parcels.

(2.) On the alienation under this section of a part of a tenement, or of a tenement in parcels, the lord may apportion the yearly customary rent payable for the whole tenement.

(3.) A parcel alienated under this section shall be subject to its apportioned part of the customary rent, and shall be held of the lord of the manor in all respects and be conveyed in like manner as the original tenement.

(4.) A licence under this section must be in writing and must be entered on the court rolls.

(5.) A steward may give a licence under this section if authorised in writing by the lord, but not otherwise.

Partition of copyhold land.

87. In an action for the partition of land of copyhold or customary tenure the like order may be made as may be made with respect to land of freehold tenure.

Descent of trust and mortgage estates in copyholds.

88. Section thirty of the Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls on trust or by way of mortgage.

Receipt for consideration where under 500*l.* for enfranchisement not under Act.

89.—(1.) Where an agreement for enfranchisement is made independently of this Act, and the consideration for the enfranchisement is a gross sum and does not exceed five hundred pounds, the lord may make a statutory declaration stating the particulars of his estate and interest in the manor.

(2.) If the declaration shows that the lord is entitled to make the enfranchisement, and to receive the consideration money for his own use, an enfranchisement by the lord shall be valid, and the lord's receipt for the consideration money shall effectually discharge the person paying it from being bound to see to the

application or being answerable for any loss or misapplication thereof.

(3.) Where a lord receives as the consideration for an enfranchisement within this section any money to which he is not in fact entitled for his own use, he shall be deemed to have received the money as trustee for the persons who are entitled thereto.

PART VIII.

AUTHORITY FOR EXECUTION OF ACT.

Board of Agriculture to make annual report.

90. The Board of Agriculture shall in every year make a general report of their proceedings in the execution of this Act, and the report shall be laid before both Houses of Parliament as soon as may be after it is made.

Delegation of powers of Board.

91.—(1.) The Board of Agriculture may delegate to any officer of the Board any of their powers under this Act except the power to confirm agreements or awards, or to frame forms, or to do any act required by this Act to be done under the seal of the Board.

(2.) The powers so delegated shall be exercised under such regulations as the Board direct.

(3.) The Board may recall or alter any power delegated under this section, and may, notwithstanding the delegation, act as if no delegation had been made.

(4.) All acts done by an officer of the Board lawfully authorised in pursuance of this section shall be obeyed by all persons as if they proceeded from the Board, and the non-observance thereof shall be punishable in like manner.

Power of entry for purposes of Act.

92.—(1.) A member or officer of the Board of Agriculture and a valuer or umpire appointed under this Act, and their agents and servants respectively, may enter on any land proposed to be dealt with under this Act, and may make all necessary measurements, plans, and valuations of the land.

(2.) A person before entering on land under this section must give reasonable notice of his intention to the occupier of the land.

(3.) If a person does any injury in the execution of the powers of this section he shall make compensation therefor.

Penalty for obstructing persons administering Act.

93. If any person obstructs or hinders a member or officer of the Board of Agriculture or a valuer or umpire acting under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

PART IX.

DEFINITIONS, SAVINGS, AND REPEAL.

Interpretation.

94. In this Act unless the context otherwise requires—

The expressions "admittance" and "enrolment" include every licence of any assurance, and every ceremony, act, and assent whereby the tenancy or holding of a tenant is perfected, and the expressions "admit" and "enrol" have corresponding meanings:

The expression "ecclesiastical corporation" means an ecclesiastical corporation within the meaning of the Episcopal and Capitular Estates Act, 1851, and the Acts amending the same:

The expression "enfranchisement" includes the discharge of freehold lands from heriots and other manorial rights:

The expression "heriot" includes a money payment in lieu of a heriot:

The expression "land" includes an undivided share in land:

The expression "lord" means a lord of a manor whether seised for life or in tail or in fee simple and whether having power to sell the manor or not, or the person for the time being filling the character of or acting as lord whether lawfully entitled or not, and includes all ecclesiastical lords seised in right of the church or otherwise, and lords farmers holding under them, and bodies corporate or collegiate:

The expression "manor" includes a reputed manor:

The expression "rent" includes reliefs and services (not being services at the lord's court), and every payment or render in money, produce, kind, or labour due or payable in respect of any land held of or parcel of a manor:

The expression "steward" includes a deputy steward and a clerk of a manor and any person for the time being filling the character of or acting as steward whether lawfully entitled or not:

The expression "tenant"—

(*a*) includes all persons holding by copy of court roll or as customary tenants or holding land subject to any manorial right or incident, and whether the land is held to them and their heirs or to two or more in succession or for life or lives or years, and whether the land is held of a manor or not; and

(*b*) includes a surrenderee by way of mortgage under a surrender entered on the court rolls in possession or in receipt of the rents and profits of the land; and

(*c*) where land is held in undivided shares means the person for the time being in receipt of at least two thirds of the value of the rents and profits of the land.

The expression "valuer" includes an umpire.

95. Nothing in this Act— General savings.

(*a*) shall affect the custom of gavelkind in the county of Kent: or

(*b*) shall authorise a lord to enclose any common or waste land: or

(*c*) shall revive any right to fines or other manorial claims which are at any time barred by any statute of limitations: or

(*d*) shall interfere with any enfranchisement which may be made independently of this Act: or

(*e*) shall interfere with the exercise of any powers contained in any other Act of Parliament: or

(*f*) shall, except as in this Act expressly provided, apply to manors or land vested in Her Majesty in right of the Crown or of the Duchy of Lancaster: or

(*g*) shall extend to or prejudice the estate, right, title, privilege, or authority of Her Majesty in right of the Duchy of Cornwall, or the possessions thereof, or of the Duke of Cornwall for the time being: or

(*h*) shall extend to manors belonging either in possession or reversion to any ecclesiastical corporation or to the Ecclesiastical Commissioners where the tenant has not a right of renewal.

Savings as to compulsory enfranchisement.

96. The provisions of this Act with respect to a compulsory enfranchisement shall not apply—

(*a*) to any copyhold land held for a life or lives or for years where the tenant has not a right of renewal; nor

(*b*) to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

Saving as to land registry. 25 & 26 Vict. c. 53. 38 & 39 Vict. c. 87.

97. Nothing in this Act shall affect any right acquired in pursuance of registration under the Land Registry Act, 1862, or the Land Transfer Act, 1875, except to such extent as may be recorded by registration in pursuance of those Acts.

Application of Act to Crown.

98.—(1.) The provisions of this Act relating to—

(*a*) the grant of easements to a lord of a manor for mining purposes;

(*b*) the holding of customary courts although a copyhold tenant is not present;

(*c*) the making of grants or admittances out of the manor and out of court;

(*d*) the making of admittances without a presentment by the homage;

(*e*) the entry of surrenders and wills on the court rolls; and

(*f*) the partition of lands of copyhold or customary tenure,

shall extend to manors and lands vested in Her Majesty in right of the Crown or of the Duchy of Lancaster.

(2.) The said provision relating to the grant of easements shall extend to an enfranchisement of land held of a manor vested in Her Majesty effected under the provisions of any existing Act of Parliament.

Extent of Act.

99. This Act shall not extend to Scotland or Ireland.

Repeal

100. The enactments described in the Third Schedule to this Act are hereby repealed to the extent appearing in the third column of the said schedule.

Provided that all awards, deeds, orders, certificates, scales, instruments, charges, and rentcharges made, executed, granted, created, or having effect under any enactment repealed by this Act shall have effect as if this Act had not passed.

Short title.

101. This Act may be cited as the Copyhold Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

FORMS.

1. DECLARATION TO BE MADE BY VALUERS AND UMPIRES. Sect. 5.

I, *A B*, declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under the Copyhold Act, 1894.

A.B.

Made and subscribed in the presence of
this day of 189 .

2. CERTIFICATE OF CHARGE. Sect. 41.

The Board of Agriculture hereby certify that the land mentioned in the schedule to this certificate is charged with the payment to *A.B.*, his executors, administrators, or assigns, [*or* to the lord of the manor of for the time being] of the following series of periodical payments; that is to say, the sum of pounds payable on the day of , the further sum of pounds payable on the day of &c. [*or* with the principal sum of pounds with interest thereon after the rate of per cent. per annum, the principal to be repayable in manner following, that is to say [*state the terms*]]; and the Board further certify that after payment of the series of periodical payments above mentioned [*or* after payment of the principal money hereby charged and all arrears of interest due thereon] this certificate shall be void. In witness whereof the Board of Agriculture have hereunto set their official seal this day of 189 .

The Schedule.

E.F.
G.H.

3. TRANSFER OF CERTIFICATE OF CHARGE. Sect. 41.

I, *A.B.*, of hereby transfer the within certificate of charge to *C.D.* of
Dated this day of 189 .

A.B.

4. NOTICE OF RIGHT TO ENFRANCHISE. Sect. 42.

Take notice that if you desire that the copyhold land which you hold of this manor of shall become freehold you are entitled to enfranchise the same on paying the lord's compensation and the steward's fees. The lord's compensation may be fixed either by agreement between the lord and you, or by a valuer appointed by the lord and you, or through the agency of the Board of Agriculture, to whom you may make application, if you think fit, to effect the enfranchisement.

5. POWER OF ATTORNEY. Sect. 48.

Manor of in the county of
I, *A.B.*, of , hereby appoint *C.D.*, of
to be my lawful attorney to act for me in all respects as if I myself were present and acting in the execution of the Copyhold Act, 1894.
Dated this day of 189 .

(Signed) *A.B.*

SECOND SCHEDULE.

Sect. 9.

SCALE OF STEWARD'S COMPENSATION.

When the consideration for the enfranchisement—

	£	s.	d.
Does not exceed 1*l.* - - - -	0	5	0
Exceeds 1*l.* but does not exceed 5*l.* - -	0	10	0
" 5*l.* " " 10*l.* - -	1	0	0
" 10*l.* " " 15*l.* - -	2	0	0
" 15*l.* " " 20*l.* - -	3	0	0
" 20*l.* " " 25*l.* - -	4	0	0
" 25*l.* " " 50*l.* - -	6	0	0
" 50*l.* " " 100*l.* - -	7	0	0
For every additional 50*l.*, or fractional part of 50*l.*, over and above the first 100*l.* - - -	0	10	0

The compensation to be exclusive of stamps and paper or parchment or map or plan, which are to be paid for by the tenant.

THIRD SCHEDULE.

Sect. 100.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 35. - -	The Copyhold Act, 1841	The whole Act.
6 & 7 Vict. c. 23. -	The Copyhold Act, 1843	The whole Act.
7 & 8 Vict. c. 55. - -	The Copyhold Act, 1844	The whole Act.
15 & 16 Vict. c. 51. -	The Copyhold Act, 1852	The whole Act.
21 & 22 Vict. c. 94. -	The Copyhold Act, 1858	The whole Act.
23 & 24 Vict. c. 59. -	The Universities and College Estates Act Extension Act, 1860.	Section four.
50 & 51 Vict. c. 73. -	The Copyhold Act, 1887	The whole Act.

CHAPTER 47.

An Act to amend the Building Societies Acts.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Matters to be set forth in rules.

1. The rules of every society under the Building Societies Acts established or substituting a new set of rules for its existing rules after the passing of this Act shall set forth—

(*a*) the manner in which the stock or funds of the society is or are to be raised;

(*b*) the terms upon which unadvanced subscription shares are to be issued; the manner in which the contributions are to be paid to the society, and withdrawn by the members, with tables, where applicable in the opinion of the registrar, showing the amount due by the society for principal and interest separately;

(*c*) the terms upon which paid-up shares, if any, are to be issued and withdrawn, with tables, where applicable in the opinion of the registrar, showing the amount due by the society for principal and interest separately;

(*d*) whether preferential shares are to be issued, and, if so, within what limits;

(*e*) the manner in which advances are to be made and repaid; the deductions, if any, for premiums, and the conditions upon which a borrower can redeem the amount due from him before the expiration of the period for which the advance was made, with tables, where applicable in the opinion of the registrar, showing the amount due from the borrower after each stipulated payment;

(*f*) the manner in which losses are to be ascertained and provided for;

(*g*) the manner in which membership is to cease; and

(*h*) whether the society intends to borrow money, and, if so, within what limits not exceeding those prescribed by the Building Societies Acts.

Annual account and statement. 37 & 38 Vict. c. 42.

2.—(1.) Every annual account and statement under section forty of the Building Societies Act, 1874, shall be made up to the end of the official year of the society to which it relates, and shall be in such form and shall contain such particulars as the Chief Registrar of Friendly Societies may from time to time, with the approval of a Secretary of State, direct, either generally or with respect to any society or class of societies. The form of annual account and statement prescribed for general use by the Chief Registrar under this section, and every alteration of that form, shall as soon as practicable be laid before each House of Parliament, and shall not come into operation until the expiration of forty days from the date at which it is so laid. Provided that every such account and statement shall set forth—

(*a*.) With respect to mortgages to the society upon each of which the present debt does not exceed five thousand pounds (not being mortgages where the repayments are upwards of twelve months in arrear, or where the property has for upwards of twelve months been in possession of the society), the number of all such mortgages, and the aggregate amount owing thereon at the date of the account or statement, such information being given separately in respect of each of the four following classes:—

(i.) Where the debt does not exceed five hundred pounds:

(ii.) Where the debt exceeds five hundred pounds and does not exceed one thousand pounds:

(iii.) Where the debt exceeds one thousand pounds and does not exceed three thousand pounds:

(iv.) Where the debt exceeds three thousand pounds and does not exceed five thousand pounds; and

(*b.*) With respect to any other mortgage to the society, the particulars shown by the appropriate tabular form in the First Schedule to this Act.

(2.) Every auditor, in attesting any such annual account or statement, shall either certify that it is correct, duly vouched, and in accordance with law, or specially report to the society in what respect he finds it incorrect, unvouched, or not in accordance with law, and shall also certify that he has at that audit actually inspected the mortgage deeds and other securities belonging to the society, and shall state the number of properties with respect to which deeds have been produced to and actually inspected by him.

(3) A copy of every such annual account and statement shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, or within three months after the expiration of the official year of the society, whichever period expires first.

(4) For the purposes of this section the expression "official year" shall mean, in the case of any society established after the passing of this Act, the year ending with the thirty-first day of December, and, in the case of any society established before the passing of this Act, the year ending with the time up to which its annual account and statement is made at the passing of this Act.

(5.) This section shall not come into operation until the expiration of twelve months after the passing of this Act.

Auditors.

3. Notwithstanding anything in the rules of any society under the Building Societies Acts, one at least of the auditors of the society shall be a person who publicly carries on the business of an accountant.

Inspection of books.

4.—(1.) The registrar may, if he thinks fit, on the application of ten members of a society under the Building Societies Acts, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society, and to report thereon.

(2) Provided as follows:—

(*a*) The applicants shall deposit with the registrar such sum as a security for the costs of the proposed inspection as the registrar may require; and

(*b.*) All expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the registrar may direct.

(3.) A person appointed under this section shall have power to make copies of any books of the society and to take extracts therefrom at all reasonable hours, at the registered office of the society, or at any place where the books are kept.

(4.) The registrar shall communicate the results of any such inspection to the applicants and to the society.

Power of registrar on application to appoint inspector or call special meeting.

5.—(1.) The registrar may, on the application of one tenth of the whole number of members of a society under the Building Societies Acts, or of one hundred members in the case of a society consisting of more than one thousand members, and with the consent of the Secretary of State, either—

(*a*) appoint an inspector to examine into and report on the affairs of the society; or

(*b*) call a special meeting of the society.

(2.) Provided as follows:—

(*a*.) The application under this section shall be supported by such evidence as the registrar may direct for the purpose of showing that the applicants have good reason for requiring the inspection to be made or the meeting to be called, and that they are not actuated by malicious motives in their application; and

(*b*.) Such notice of the application shall be given to the society as the registrar may direct; and

(*c*.) The registrar shall require the applicants to give security for the costs of the proposed inspection or meeting before the inspector is appointed or the meeting is called; and

(*d*.) All expenses of and incidental to the inspection or meeting shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers of the society, in such proportions as the registrar may direct.

(3.) An inspector appointed under this section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(4.) The registrar may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(5.) The registrar may, without any application by members, but with the consent of the Secretary of State given on each occasion, exercise the powers given by this section in the following cases:—

(*a*.) Where a society has, for two months after notice, failed to make any return required by the Building Societies Acts;

(*b*.) Where a society has, for two months after notice, failed to correct or complete any such return;

(*c*.) Where evidence is furnished by a statutory declaration of not less than three members of a society, of facts which, in the opinion of the registrar, call for investigation, or for recourse to the judgment of a meeting of the members. Provided that the registrar shall forthwith, on receipt of such declaration, send a copy thereof to the society, and such society shall,

within fourteen days from the sending of such copy, be entitled to give the registrar an explanatory statement in writing, by way of reply thereto.

Cancelling and suspension of registry.

6.—(1.) Where the registrar is satisfied that a certificate of incorporation has been obtained for a society under the Building Societies Acts by fraud or mistake, or that any such society exists for an illegal purpose, or has wilfully and after notice from the registrar violated any of the provisions of the Building Societies Acts, or has ceased to exist, the registrar may, by writing under his hand, with the approval of the Secretary of State, cancel the registry of the society, or suspend the registry thereof for any term not exceeding three months, and may, with the like approval, renew such suspension from time to time for the like period.

(2.) The registrar shall, before cancelling or suspending the registry of a society under the foregoing powers, give to the society not less than two months' previous notice in writing, specifying briefly the ground of the proposed cancelling or suspension, and shall, as soon as practicable after the cancelling or suspension takes place, cause notice thereof to be published in the Gazette, and in some newspaper circulating in the county in which the registered chief office or place of meeting of the society is situate.

(3.) A society may appeal from the cancelling of its registry, or from any suspension thereof for a term exceeding six months, to the High Court in England or Ireland or to the Court of Session in Scotland, and thereupon the Court may, if it thinks it just so to do, set aside the cancelling or suspension.

(4.) The registrar may also, if he thinks fit, at the request of any society under the Building Societies Acts, evidenced in such manner as he may direct, cancel the registry of the society.

(5.) A society whose registry has been cancelled or suspended shall from the time of such cancelling or suspension (but in case of suspension, only while the suspension lasts, and in any case subject to the right of appeal given by this section) absolutely cease to enjoy as such the privileges of a society under the Building Societies Acts, but without prejudice to any liability actually incurred by the society, and any such liability may be enforced against the society as if the cancelling or suspension had not taken place.

Power to dissolve society after investigation.

7.—(1.) On the application in writing of one tenth of the whole number of members of any society under the Building Societies Acts, or of one hundred members in the case of a society of more than one thousand members, setting forth that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, and requesting an investigation into the affairs of the society with a view to the dissolution thereof, the registrar may investigate the affairs of the society, but shall before so doing give not less than two months' previous notice in writing to the society at its registered chief office or place of meeting.

(2.) If on such investigation it appears that the society is unable to meet the claims of its members, and that it would be for their

benefit that it should be dissolved, the registrar may, if he considers it expedient so to do, award that the society be dissolved, and shall direct in what manner the affairs of the society are to be wound up Provided that the registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations of its rules as will in his judgment prevent the necessity of the award being made.

(3.) The registrar shall within twenty-one days after the making of any award for dissolution under this section, cause notice thereof to be advertised in the Gazette, and in some newspaper circulating in the county in which the registered chief office or place of meeting of the society is situate.

Application of 53 & 54 Vict. c 63. to building societies

8.—(1.) Notwithstanding anything in the Building Societies Acts, every society under those Acts shall be deemed to be a company within the meaning of the Companies (Winding-up) Act, 1890.

(2.) Any proceedings in the winding up of any such society which at the passing of this Act are pending in any county court may, on application by or on behalf of the registrar, with the consent of the Secretary of State, be transferred to the High Court, and thereupon the Companies (Winding-up) Act, 1890, shall, so far as applicable, apply thereto accordingly

Obligations of liquidators and trustees in case of dissolution.

9. Where a society under the Building Societies Acts is being dissolved in manner prescribed by its rules or in pursuance of the consent of three fourths of the members, the provisions of the Building Societies Acts shall continue to apply in the case of the society as if the liquidators or other persons conducting the dissolution of the society or the trustees appointed under the instrument of dissolution were the board of directors or committee of management of the society.

Liability of borrowing members in event of dissolution

10. When a society under the Building Societies Acts is being dissolved or wound up, a member to whom an advance has been made under any mortgage or other security or under the rules of the society, shall not be liable to pay the amount payable under the mortgage or other security or rules, except at the time or times and subject to the conditions therein expressed. This section shall come into operation immediately after the passing of this Act.

Account and balance sheet to be sent to registrar on dissolution.

11. If a society under the Building Societies Acts is dissolved in manner prescribed by its rules or in pursuance of the consent of three fourths of the members, the liquidators, trustees, or other persons having the conduct of the dissolution shall, within twenty-eight days from the termination of the dissolution, send to the registrar an account and balance sheet signed and certified by them as correct, and showing the assets and liabilities of the society at the commencement of the dissolution and the mode in which those assets and liabilities have been applied and discharged, and in default of so doing shall each be liable to a fine not exceeding five pounds for every day during which the default continues.

Prohibition of balloting for advances.

12.—(1.) A society under the Building Societies Acts established after the passing of this Act shall not cause or permit the applicants for advances to ballot for precedence or in any way make the granting of an advance depend on any chance or lot.

(2.) Where the rules of a society under the Building Societies Acts established before the passing of this Act provide that advances may be balloted for, the society may, notwithstanding anything in its rules, resolve, by a majority of its members present or voting by voting papers, at a meeting called for the purpose, upon a scheme for the discontinuance of advances by ballot and for making other provision in lieu thereof, provided that the scheme is supported by a majority of such of the members present or voting by voting papers at the meeting as have not at the date of the meeting received their advances by ballot; and every scheme so resolved on, and every alteration thereof, shall be registered in the manner provided for the registration of rules, and shall be binding on all members and officers of the society.

(3.) A notice of any such meeting and a copy of the proposed scheme, together with a voting paper, shall be sent by post to every member of the society at least fourteen days before the date of the meeting.

Prohibition of advances on second mortgage.

13.—(1.) A society under the Building Societies Acts shall not advance money on the security of any freehold, copyhold, or leasehold estate which is subject to a prior mortgage, unless the prior mortgage is in favour of the society making the advance.

(2.) Provided that this section shall not apply to any society in Scotland or Ireland which is at the passing of this Act authorised by the rules to make advances upon second mortgage.

(3.) If any advance is made in contravention of this section, the directors of the society who authorised the advance shall be jointly and severally liable for any loss on the advance occasioned to the society.

Limits of borrowing power.

14. In calculating the amount for the time being secured to a society under the Building Societies Acts by mortgages from its members for the purpose of ascertaining the limits of its power to receive deposits or loans at interest, the amount secured on properties, the payments in respect of which were upwards of twelve months in arrear at the date of the society's last preceding annual account and statement, and the amount secured on properties of which the society had been twelve months in possession at the date of such account and statement, shall be disregarded.

Provided that this section shall not affect the validity of any deposit or loan which was within the limit provided by law at the time when it was received, and, so far as regards any amount secured either on properties, the payments in respect of which are upwards of twelve months in arrear at the passing of this Act, or on properties in the possession of the society at the passing of this Act, shall not come into operation until the expiration of three years from the passing of this Act.

Provisions as to name and deposits.

15.—(1.) A society under the Building Societies Acts shall not use any name or title other than its registered name, and shall not accept any deposit except on the terms that not less than one month's notice may be required by the managers of the society before repayment or withdrawal.

(2.) If a society contravenes this section, the society, and also every director or member of the committee of management who is a party to the contravention, shall be liable on summary conviction to a fine not exceeding ten pounds, and in the case of a continuing offence to an additional fine not exceeding ten pounds for every week during which the offence continues.

16.—(1.) A society under the Building Societies Acts may— Deposits in and investments through savings banks.

(*a*) deposit in a savings bank any money belonging to the society, provided that the whole amount, exclusive of Government stock, credited by the bank to the society does not exceed three hundred pounds at any one time; and

(*b*) invest in Government stock through a savings bank any money of the society, provided that the whole amount of Government stock credited by the bank to the society does not exceed five hundred pounds stock at any one time.

(2.) In this section the expressions "savings bank" and "Government stock" have respectively the same meaning as in the Savings Bank Act, 1893. 56 & 57 Vict. c. 69.

17. The powers of investment under section twenty-five of the Building Societies Act, 1874, shall include power to invest in or upon any security in which trustees are for the time being authorised by law to invest. Extension of powers of investment.

18. Proceedings under section thirty-one of the Building Societies Act, 1874, may be taken by or at the instance of— Explanation of 37 & 38 Vict. c. 42. s. 31 as to initiation of proceedings.

(*a*) the society; or

(*b*) any member authorised by the society, or by the board of directors or committee of management thereof, or by the registrar; or

(*c*) the registrar.

19. Where three fourths of the members of two or more societies present at general meetings respectively convened for the purpose of considering any union or transfer under section thirty-three of the Building Societies Act, 1874, agree to the union or transfer, the agreement shall, notwithstanding anything in that section, be valid if it obtains the concurrence in writing of the holders of not less than two thirds of the whole number of shares of each society, whether they are present at the meeting or not. Explanation of 37 & 38 Vict. c. 42. s. 33 as to unions and transfers.

20. Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the arbitrators, registrar, or court to whom a dispute is referred in pursuance of the Building Societies Act, 1874, shall not be compelled to state a special case on any question of law arising in the case, but may do so on the request of either party as provided in section thirty-six of the Building Societies Act, 1874. Arbitrators not to be compelled to state special case on settlement of disputes.

21. If any society under the Building Societies Acts neglects or refuses— Offences by building societies.

(*a*) to give any notice, send any return or document, or do or allow to be done anything which the society is by those Acts required to give, send, do or allow to be done; or

(*b*) to do any act or furnish any information required for the purposes of those Acts by the registrar or by an inspector;

the society, and also every officer thereof bound by the rules thereof to fulfil the duty whereof a breach has been so committed, and if there is no such officer, then every member of the committee of management or board of directors of the society, unless it appears that he was ignorant of or attempted to prevent the breach, shall for each offence be liable, on summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence, to an additional fine not exceeding five pounds for every week during which the offence continues.

False entries.

22. If any person wilfully makes, orders, or allows to be made any false statement in any document required by the Building Societies Acts to be sent to the registrar, or by erasure, omission, or otherwise wilfully falsifies any such document, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Gifts, &c. not to be accepted by officials.

23. No director, secretary, surveyor, solicitor, or other officer of a society under the Building Societies Acts shall, in addition to the remuneration prescribed or authorised by the rules of the society, receive from any other person any gift, bonus, commission, or benefit, for or in connexion with any loan made by the society, and any person paying or accepting any such gift, bonus, commission, or benefit, shall be liable on summary conviction to a fine not exceeding fifty pounds, and, in default of payment, to be imprisoned with or without hard labour for any time not exceeding six months, and the person accepting any such gift, bonus, commission, or benefit, shall, as and when directed by the court by whom he is convicted, pay over to the society the amount or value of such gift, bonus, commission, or benefit, and in default of such payment shall be liable to be imprisoned with or without hard labour for any time not exceeding six months.

Competency of defendant and wife as witnesses.

24. Upon the hearing of any charge involving the infliction of fine or imprisonment on summary conviction under this Act the defendant and his wife shall be admissible as competent witnesses.

Provisions as to societies certified under 6 & 7 Will 4. c. 32.

25.—(1.) Section forty of the Building Societies Act, 1874, shall apply to every society which has been certified under the Building Societies Act, 1836 (that is to say, the Act of the session held in the sixth and seventh years of King William the Fourth, chapter thirty-two, intituled "An Act for the regulation of benefit building societies"), and has not been incorporated under the Building Societies Act, 1874, and exists at the passing of this Act, and if any such society fails to comply with the requirements of that section, the society and its members and officers shall be subject to the like penalties as if the society were a society under the Building Societies Acts.

(2.) On the expiration of two years from the passing of this Act, the said Building Societies Act, 1836, shall be repealed as to all societies certified thereunder after the year one thousand eight hundred and fifty-six.

26. The forms in the Third Schedule to this Act shall, after the commencement of this Act, be used under the Building Societies Acts. Forms.

27. The Chief Registrar of Friendly Societies shall cause to be made an abstract and report of the annual accounts and statements of societies and of the proceedings of the registrars under the Building Societies Acts, and shall lay the same before the Secretary of State and before Parliament. Annual report by registrar.

28. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal.

29. This Act may be cited as the Building Societies Act, 1894, and shall be construed as one with the Building Societies Act, 1874, the Building Societies Act, 1875, the Building Societies Act, 1877, and the Building Societies Act, 1884, and those Acts and this Act are in this Act referred to, and may be cited collectively, as the Building Societies Acts. Short title and construction. 37 & 38 Vict. c. 42. 38 & 39 Vict. c. 9. 40 & 41 Vict. c. 63. 47 & 48 Vict. c. 41.

30. This Act shall, except as otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-five. Commencement of Act.

SCHEDULES.

FIRST SCHEDULE. Section 2.

PART I.

PARTICULARS to be set forth in the case of a Mortgage where the repayments are not upwards of twelve months in arrears, and the Property has not been upwards of twelve months in possession of the Society, and where the present Debt exceeds 5,000*l.*

1. Date of Advance.	2. Whether subject to any prior Mortgage or Charge. If so, what Amount.	3. Whether Freehold, Copyhold, or Leasehold.	4. Original Valuation of Property.	5. Amount of Advance.	6. Present Debt.	7. Amount of Payments in Advance.	8. Amount of Payments in Arrear.	9. Observations.
			£	£	£	£	£	
		Total -						

PART II.

PARTICULARS to be set forth in the case of Property of which the Society has been upwards of twelve months in Possession.

1. Roll Numbers.	2. Date of Advance.	3. Date when Possession was taken.	4. Whether subject to any prior Mortgage or Charge. If so, what Amount.	5. Whether Freehold, Copyhold, or Leasehold.	6. Amount of Advance.	7. Original Valuation of Property.	8. Debt when Possession was taken.	9 Present Amount included in Assets.	10. Gross Income for the Year.	11. Outgoings for the Year.	12. Observations.
					£	£	£	£	£	£	
				Total							

PART III.

PARTICULARS to be set forth in the case of a Mortgage where the Repayments are upwards of twelve months in arrear and the Property has not been upwards of twelve months in possession of the Society.

1. Date of Advance.	2. Whether subject to any prior Mortgage or Charge. If so, what Amount.	3. Whether Freehold, Copyhold, or Leasehold.	4. Number of Months in Arrear.	5. Original Valuation of Property.	6. Amount of Advance	7. Present Debt.	8. Amount of Payments in Arrear.	9. Observations.
				£	£	£	£	
			Total					

Section 28.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
37 & 38 Vict. c. 42.	The Building Societies Act, 1874.	Paragraphs 2 and 4 of section sixteen. In section forty-three the words "in forwarding to the registrar any returns or information by this Act required or"; the words "or makes a return wilfully false in any respect"; the words "or who shall have made such wilfully false return"; and the words "or false return."
40 & 41 Vict. c. 63.	The Building Societies Act, 1877.	Section six, and the schedule.

THIRD SCHEDULE.

Section 26.

CERTIFICATE OF INCORPORATION.

No.

The Registrar of Building Societies in England [Scotland *or* Ireland] hereby certifies that the
Building Society, established at , in the county of , is incorporated under the Building Societies Act, 1874, this day of , one thousand eight hundred and . The incorporation of a building society does not imply any approval by the Registrar of its rules or tables, or any guarantee of its good management or financial stability.

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.

The Registrar of Building Societies in England [Scotland *or* Ireland] hereby certifies that the foregoing alteration of [*or* addition to] the rules of the Building Society, established at , in the county of , is registered under the Building Societies Act, 1874, this day of , one thousand eight hundred and
The registry of rules or alterations does not imply any approval of them by the Registrar, or any guarantee of the good management or financial stability of the society.

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.

The Registrar of Building Societies in England [Scotland *or* Ireland] hereby certifies that the registered name of the
Building Society, established at in the county of is changed from the date hereof to the name following:—

This day of 189 .
[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

The Registrar of Building Societies in England [Scotland *or* Ireland] hereby certifies that the registered Chief Office of the
Building Society, established at in the county of , is changed from the date hereof to the office or place following:

This day of 189 .
[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF INSTRUMENT OF DISSOLUTION.

The Registrar of Building Societies in England [Scotland *or* Ireland] hereby certifies that the foregoing instrument of dissolution of the
Building Society, established at
in the county of , is registered under the Building Societies Act, 1874.

This day of 189 .

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CHAPTER 48.

An Act to continue various Expiring Laws.

[25th August 1894.]

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and ninety-four:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire on the thirty-first day of March one thousand eight hundred and ninety-five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of Acts in Schedule.

1.—(1.) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December one thousand eight hundred and ninety-five, and shall then expire, unless further continued.

(2.) The Act mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of March one thousand eight hundred and ninety-six, and shall then expire, unless further continued.

(3.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title.

2. This Act may be cited as the Expiring Laws Continuance Act, 1894.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4. c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89.	An Act to exempt, until the thirty-first day of December one thousand eight hundred and forty-one, inhabitants of parishes, townships, and villages from liability to be rated as such, in respect of stock in trade or other property, to the relief of the poor.	The whole Act.	—
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act	33 Vict. c. 13. 47 & 48 Vict. c. 43.
(4.) 10 & 11 Vict. c. 98.	An Act to amend the law as to Ecclesiastical Jurisdiction in England.	As to the provisions continued by 21 & 22 Vict. c. 50.	—
(5.) 11 & 12 Vict. c. 32.	The County Cess (Ireland) Act, 1848.	The whole Act	20 & 21 Vict. c. 7.
(6.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(7.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(8.) 23 & 24 Vict. c. 19.	An Act to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the erection of Dwellings for the Labouring Classes in Ireland.	The whole Act.	—

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
(9.) 24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1861.	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39. s. 3. 55 & 56 Vict. c. 50.
(10.) 26 & 27 Vict. c. 105.	An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum.	The whole Act	45 & 46 Vict. c. 61.
(11.) 27 & 28 Vict. c. 20.	An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum in Ireland.	The whole Act.	——
(12.) 28 & 29 Vict. c. 46.	An Act to suspend the making of lists and the ballots for the Militia of the United Kingdom.	The whole Act	45 & 46 Vict. c. 49.
(13.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.)
(14.) 29 & 30 Vict. c. 52.	An Act to extend the law relating to the expenses of prosecutions, and to make provision for expenses on charges of felony and certain misdemeanors before examining magistrates.	The whole Act.	——
(15.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict c. 51.
(16.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act	34 & 35 Vict c. 61.
(17.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act	34 & 35 Vict. c. 100. 41 Vict. c. 6.
(18.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(19.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872	The whole Act	45 & 46 Vict. c 50. (Municipal Elections).

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
(20.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875	The whole Act	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(21.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	—
(22.) 41 & 42 Vict. c. 41.	The Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878.	The whole Act	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(23.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.	—
(24.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act	46 & 47 Vict. c. 51.
(25.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	—
(26.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(27.) 45 & 46 Vict. c. 59.	The Educational Endowments (Scotland) Act, 1882.	As to the powers of Her Majesty in Council and of the Scotch Education Department, s. 47.	—
(28.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	—
(29.) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 29. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7.
(30.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act	56 & 57 Vict. c. 73.
(31.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(32.) 50 & 51 Vict. c. 33.	The Land Law (Ireland) Act, 1887.	So much of section one as relates to the time within which applications under the section may be made.	51 & 52 Vict. c. 13. 52 & 53 Vict. c. 59. 53 & 54 Vict. c. 48.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts
(33.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	—
(34.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60

PART II.

32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes and as to the payment of the salaries of additional Charity Commissioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.

CHAPTER 49.

An Act to amend the Juries (Ireland) Acts.

[25th August 1894.]

WHEREAS doubts have arisen as to the necessity of summoning special jurors at assizes in Ireland pursuant to the directions in the precept issued by Her Majesty's Judges of Assize in cases in which no notice has been given to the sheriff that such action is to be tried by a special jury:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Special jury not to be summoned if sheriff does not receive notice

1. From and after the passing of this Act in case no notice shall have been received within the prescribed time by the sheriff of any assize county or county of a city in Ireland of the trial of an action or issue by a special jury, no special jury shall be summoned or need attend such assizes.

Definitions

2. Notice shall include order of the superior courts.

Issue shall include all civil issues.

3. Nothing herein shall be deemed to exempt any special juror summoned for any other purpose than the trial of civil actions. Saving.

4. This Act shall be cited as the Jurors (Ireland) Amendment Act, 1894. Short title.

CHAPTER 50.

An Act to make further provision with respect to the Congested Districts Board for Ireland.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) Where the Congested Districts Board sell land to a tenant, and the Land Commission make an advance for the purchase of such land, the said Board may give to the Land Commission both or either of the following guarantees:— Provisions as to guarantee deposits and purchaser's insurance money.

(*a*) that the Board will make good any default by the purchaser to the extent to which it might have been made good out of the guarantee deposit; and

(*b*) if by reason of the tenant purchasing an addition to his holding or for any other special reason it seems desirable, then that during eighteen years from the date of the advance the Board guarantee the payment of all sums against which the purchaser's insurance money might otherwise have been set off by the Land Commission;

and where the first of such guarantees is given the Land Commission shall not require or retain out of the advance the guarantee deposit, and where the second of such guarantees is given the annuity for the repayment of the advance shall be at the rate of four per cent. per annum on the advance.

(2.) The sums payable by the Congested Districts Board under any such guarantee shall be paid out of the money at the disposal of the Board, and shall be applied in like manner as if they had been paid out of the guarantee deposit or set off against the purchaser's insurance money, as the case may be.

(3) All sums so paid by the Board shall be debts from the purchaser to the Board, and be a charge on the holding purchased next after the purchase annuity.

(4.) The Congested Districts Board shall not give guarantees under this section to an amount exceeding in the aggregate such sum as the Treasury, having regard to the liabilities of the Congested Districts Board, may fix for the purpose of preventing any loss to the Exchequer.

2. For the purpose of the taking of land by the Congested Districts Board, the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of land otherwise Incorporation of Lands Clauses Acts.

than by agreement) shall be incorporated with the Congested Districts Board (Ireland) Acts, and the enactments so incorporated shall be construed as if the Congested Districts Board were the promoters of the undertaking.

Officers of the Board.

3.—(1.) The Lord Lieutenant may, with the sanction of the Treasury as to number and remuneration, authorise the Congested Districts Board to appoint to the permanent staff of the Land Commission such officers as may be required for the purposes of the Board.

(2.) Every officer so appointed, not being the secretary or assistant secretary, shall be selected by open competition in accordance with regulations made by the Civil Service Commissioners and approved by the Lord Lieutenant.

(3.) The Lord Lieutenant may also, with the sanction of the Treasury as to number and as to remuneration payable out of moneys voted by Parliament, authorise the Board to employ temporarily such persons as the Board may require.

(4.) Sub-section one of section forty of the Purchase of Land (Ireland) Act, 1891, is hereby repealed.

Short title.

4.—(1.) This Act may be cited as the Congested Districts Board (Ireland) Act, 1894.

54 & 55 Vict. c. 48. 55 & 56 Vict. c. 61. 56 & 57 Vict. c. 35

(2.) Part Two of the Purchase of Land (Ireland) Act, 1891, section four of the Public Works Loan Act, 1892, the Congested Districts Board (Ireland) Act, 1893, and this Act, are referred to in this Act as the Congested Districts Board (Ireland) Acts, and, together with this Act, may be cited collectively.

CHAPTER 51.

An Act to make better provision for the Regulation of Chimney Sweepers. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty for knocking or ringing bells.

1. Any person who shall for the purpose of soliciting employment as a chimney sweeper knock at the houses from door to door, or ring a bell, or use any noisy instrument, or to the annoyance of any inhabitant thereof ring the door-bell of any house, or cause anyone to do any of the acts aforesaid, shall be liable on summary conviction to a penalty not exceeding ten shillings for the first offence, and to a penalty not exceeding twenty shillings for every subsequent offence.

Application of fees

38 & 39 Vict. c. 70.

2. All fees received under the Chimney Sweepers Act, 1875, in England shall be paid to the pension fund of the police force of the police district in which the certificate under the said Act was issued.

3. This Act may be cited as the Chimney Sweepers Act, 1894, and shall be read as one with the Chimney Sweepers Act, 1875. Short title and construction.

4. This Act shall not apply to Scotland. Extent of Act.

5. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five. Commencement of Act.

CHAPTER 52.

An Act to amend the Provisions of the Coal Mines Regulation Act, 1887, with respect to Check Weighers.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. If the owner, agent, or manager of any mine, or any person employed by or acting under the instructions of any such owner, agent, or manager, interferes with the appointment of a check weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, in any case in which the persons entitled to make the appointment do not possess or are unable to obtain a suitable meeting place, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check weigher, or any of them, not to re-appoint a check weigher, or to vote for or against any particular person or class of persons in the appointment of a check weigher, such owner, agent, or manager shall be guilty of an offence against the Coal Mines Regulation Act, 1887. Penalty for interference with office of check weigher. 50 & 51 Vict. c. 58.

2. This Act may be cited as the Coal Mines (Check Weigher) Act, 1894. Short title

CHAPTER 53.

An Act to make better provision for the Equalisation of Rates as between the different parts of London.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) For aiding the equalisation of the rates in London, the London County Council shall in every year form a fund (in this Equalisation of sanitary authorities

rates by general rate over all London.

Act called the Equalisation Fund) equal to a rate of sixpence in the pound on the rateable value of London according to the valuation lists as they stand on the sixth day of April in that year.

(2.) The London County Council shall half-yearly determine the contribution from each parish in London to one half of the Equalisation Fund, and the grant due from that one half of the fund to each parish.

(3.) They shall determine the contribution by apportioning the amount of half the Equalisation Fund among the parishes in proportion to their rateable value according to the said valuation lists.

(4.) They shall determine the grant due by apportioning the amount of half the Equalisation Fund among the sanitary districts in proportion to their population, and where a sanitary district comprises two or more parishes by dividing that grant among those parishes in proportion to their population, with this exception, that where the aggregate of the contributions from the parishes in the district is less than the grant apportioned to the district, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district, and no payment towards any equalisation charge shall be required from any parish in the district.

(5.) Subject as aforesaid, where the contribution from a parish—

(*a*) is less than the grant due, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district forming or comprising the parish; but

(*b*) if it exceeds the grant due to the parish, the council shall, for the special purpose of meeting the excess, levy on the parish a county contribution (called the equalisation charge) as a separate item of the county rate.

(6.) Every sum paid under this section to a sanitary authority shall be applied in defraying the expenses of the sanitary authority incurred under the Public Health (London) Act, 1891, and so far as not required for that purpose those incurred in respect of lighting, and so far as not required for that purpose those incurred in respect of streets: Provided that where the district of such sanitary authority comprises two or more parishes, the sum paid shall be apportioned among the parishes in proportion to their population, and the amount so apportioned to each parish shall be credited to the parish in reduction of the rates required from such parish towards the above-mentioned expenses.

54 & 55 Vict. c. 96.

(7.) Every sanitary authority to whom a sum is paid under this Act in any year shall, within the prescribed time after the following thirty-first day of March, render to the Local Government Board a true account in the prescribed form showing, for the twelve months preceding the said day, the total amount of the

sum so paid, and the total amount of the expenses incurred by the authority under each of the following heads:—

(*a*) under the Public Health (London) Act, 1891;

(*b*) in respect of lighting; and

(*c*) in respect of streets;

and showing the amount expended in respect of each head out of the sums paid to such authority under this Act.

(8.) Where the Local Government Board under section one hundred and one of the Public Health (London) Act, 1891, are satisfied that a sanitary authority have been guilty of such default as in that section mentioned, and have made an order limiting a time for the performance of the duty of the authority, the London County Council shall, if so directed by the Local Government Board, withhold the whole or any part of the payment (if any) next accruing due from the equalisation fund to such sanitary authority.

Any sums which may during any financial year be withheld in accordance with the foregoing enactment shall be carried forward to the credit of the equalisation fund in the following year, and the amount to be apportioned among the sanitary districts for determining the grant due shall be proportionately increased.

(9.) The account of the Equalisation Fund shall be a separate account of the county fund.

Form of contribution orders, demand notes, and receipts.

2. The Local Government Board shall by order prescribe the forms of contribution orders, precepts, demand notes, and receipts, so far as seems to the Board to be necessary for stating therein as a separate item any equalisation charge, and any credit in respect of a receipt under this Act which affects the sum named therein.

Provision for intermediate census.

53 & 54 Vict. c. 61.

3.—(1.) A census shall be taken for the purpose of ascertaining the number of persons present within each parish in the administrative county of London on the night of Sunday the twenty-ninth day of March, one thousand eight hundred and ninety-six, and the provisions of the Census (England and Wales) Act, 1890, including the penal provisions, shall, subject to such modifications as may be prescribed for the purposes of this Act, apply in the case of the census so taken as if it were taken in pursuance of that Act; except that the expenses certified by the Registrar General to have been incurred in respect of the census shall be paid by the London County Council out of the Equalisation Fund, and the amount to be apportioned among the sanitary districts for determining the grant due shall be proportionately reduced.

(2.) The authority making the poor rate in each such parish shall in every year make to the Local Government Board a return of the total number of houses entered in the rate book of their parish. The return shall be made at such time and in such form, and the numbers shall be ascertained, and the return shall be verified, in such manner as may be prescribed. The Local Government Board shall forward such returns to the Registrar General, and thereupon he shall estimate the population of the parish on the sixth day of April in that year, and the population so estimated shall for the purposes of this Act be the population of the parish during the twelve months beginning on that day.

(3.) Provided that the first return under this section, and a like return with reference to the year one thousand eight hundred and ninety-one, shall be made within six weeks after the passing of this Act, and the population estimated upon the basis of such returns shall for the purposes of this Act be the population of the parish for the year beginning on the sixth day of April one thousand eight hundred and ninety-four.

(4.) If any authority making the poor rate fail to make a return under this section within one month after the time at which such return is required, each of the persons constituting the authority who is in fault shall be liable on summary conviction to a fine not exceeding fifty pounds, and not exceeding ten pounds for every day during which the failure continues after the first conviction for such failure.

Definitions, commencement of Act, short title.

4.—(1.) In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London.

54 & 55 Vict. c. 76.

The expression "sanitary authority" has the same meaning as in the Public Health (London) Act, 1891, but does not include the port sanitary authority, and "sanitary district" means the district of any authority as so defined.

The expression "population" means population according to the last published census for the time being, including the census taken in pursuance of this Act, or in any year in which a census is not taken according to the population estimated by the Registrar General under this Act.

The expression "prescribed" means prescribed by the Local Government Board.

(2.) This Act shall, except for the purposes of section three thereof, come into operation on the thirtieth day of September one thousand eight hundred and ninety-four, and the amount of half the Equalisation Fund for the half year beginning on that day shall be equal to threepence in the pound on the rateable value of London according to the valuation lists as they stood on the said day.

(3.) This Act may be cited as the London (Equalisation of Rates) Act, 1894.

CHAPTER 54.

An Act to amend the Railway and Canal Traffic Act, 1888. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Complaints as to rates or

1.—(1.) Where a railway company have, either alone or jointly with any other railway company or companies, since the last

day of December one thousand eight hundred and ninety-two directly or indirectly increased, or hereafter increase directly or indirectly, any rate or charge, then if any complaint is made that the rate or charge is unreasonable, it shall lie on the company to prove that the increase of the rate or charge is reasonable, and for that purpose it shall not be sufficient to show that the rate or charge is within any limit fixed by an Act of Parliament or by any Provisional Order confirmed by Act of Parliament

Charges raised since 1892.

(2.) Under and subject to any regulations which may be made by the Board of Trade, every railway company shall keep the books, schedules, or other papers, specifying all the rates, charges, and conditions of transport in use upon such railway on the thirty-first day of December one thousand eight hundred and ninety-two, open for inspection at its head office, and shall upon demand supply copies of or extracts from such books, schedules, and papers.

(3.) The Railway and Canal Commissioners shall have jurisdiction to hear and determine any complaint with respect to any such increase of rate or charge, but not until a complaint with respect thereto has been made to and considered by the Board of Trade under section thirty-one of the Railway and Canal Traffic Act, 1888.

51 & 52 Vict. c. 25.

(4.) Unless the court shall before or at the hearing of the complaint otherwise order, a complainant to the Railway and Canal Commissioners under this section shall, before or within fourteen days after filing his complaint, pay to the railway company such sum in respect of any rate or charge complained of as would have been payable by him to them had the rate or charge in force immediately before the increase remained in force; or if that rate or charge is higher than the rate or charge in force on the last day of December one thousand eight hundred and ninety-two, then such sum as would have been payable on the footing of the last-mentioned rate or charge; any dispute as to the amount so payable shall be decided by the registrar, or in such other mode as the court may order, but such payment or decision shall be without prejudice to any order of the court upon the complaint.

(5.) Section twelve of the Railway and Canal Traffic Act, 1888, shall apply in the case of any such complaint, and in the case of any rate or charge increased before the passing of this Act shall have effect as if six months after the passing of this Act were substituted for the limit of one year therein mentioned, but the Board of Trade may, if they think fit, extend the said period of six months with respect to any complaints made to them during that period.

51 & 52 Vict. c. 25.

2. In proceedings before the Railway and Canal Commissioners, other than disputes between two or more companies, the Commissioners shall not have power to award costs on either side, unless they are of opinion that either the claim or the defence has been frivolous and vexatious.

Restrictions on power to award costs.

Amendment of 36 & 37 Vict c 48. s. 14 as to division of rates.

3. The provisions of section fourteen of the Regulation of Railways Act, 1873, with respect to the power to make orders and failure to comply with such orders, shall extend to any rates entered in books kept in pursuance of section thirty-four of the Railway and Canal Traffic Act, 1888.

Rebate on sidings rates.

4. Whenever merchandise is received or delivered by a railway company at any siding or branch railway not belonging to the company, and a dispute arises between the railway company and the consignor or consignee of such merchandise as to any allowance or rebate to be made from the rates charged to such consignor or consignee in respect that the railway company does not provide station accommodation or perform terminal services, the Railway and Canal Commissioners shall have jurisdiction to hear and determine such dispute, and to determine what, if any, is a reasonable and just allowance or rebate.

Short title.

5. This Act may be cited as the Railway and Canal Traffic Act, 1894, and shall be read with the Railway and Canal Traffic Acts, 1873 to 1888.

CHAPTER 55.

An Act to explain the provisions of Part II. of the Housing of the Working Classes Act, 1890, with respect to powers of borrowing. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Borrowing powers under a scheme for reconstruction. 53 & 54 Vict. c. 70.

1. For any purpose for which a local authority are, by a scheme for reconstruction duly sanctioned under Part II. of the Housing of the Working Classes Act, 1890, or by the order sanctioning the scheme, authorised to borrow, the authority shall have power and shall be deemed always to have had power to borrow in like manner and subject to the like conditions as they may borrow under section forty-three of that Act for the purpose of raising the sums required for the purchase money or compensation therein mentioned, and sections forty-three and forty-six of that Act shall apply accordingly.

Short title.

2. This Act may be cited as the Housing of the Working Classes Act, 1894.

CHAPTER 56.

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

[25th August 1894.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactments in First Schedule repealed.

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in that schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.

Provided as follows:

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

Application of repealed enactments in local courts.

2. If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Substituted repeals. 51 & 52 Vict. c. 57. 55 & 56 Vict. c. 19.

3. The Second Schedule to this Act shall be substituted for so much of the Statute Law Revision (No. 2) Act, 1888, and the Statute Law Revision Act, 1892, as relates to the Acts mentioned in that schedule, and the said Statute Law Revision Acts shall be read and construed accordingly.

Omission of enacting words in revised statutes.

4. In any revised edition of the statutes published by authority the words "Be it enacted by the Queen's most Excellent Majesty, "by and with the advice and consent of the Lords Spiritual and "Temporal, and Commons, in this present Parliament assembled, "and by the authority of the same, as follows," or any words to the same effect occurring in any Act, may be omitted.

Short title.

5. This Act may be cited as the Statute Law Revision Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

Reign and Chapter.	Title.
26 Geo. 3. c. 40. -	An Act the title of which begins with the words "An Act for regulating" and ends with the words "of Goods." In part; namely,— Section nineteen, to "and that," from "under the hands" to "Ireland or" and from "any law" to the end of the section.
43 Geo. 3. c. 143. -	An Act the title of which begins with the words "An Act for the" and ends with the word "respectively." In part; namely,— The whole Act, except section six.
50 Geo. 3. c. 102. -	An Act the title of which begins with the words "An Act for the more" and ends with the word "Cases." In part; namely,— Section ten.
55 Geo. 3. c. 90. -	An Act the title of which begins with the words "An Act to explain" and ends with the words "and others."
4 Geo. 1. c. 87. -	An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland." In part; namely,— Section ten.
6 Geo. 4. c. 81. -	The Excise Licenses Act, 1825. In part; namely,— Section thirty-two.
10 Geo. 4. c. 50. -	The Crown Lands Act, 1829. In part; namely,— Section one hundred and twenty-five, from "within thirty" to "Parliament."
11 Geo. 4. & 1 Will. 4. c. 64.	The Beerhouse Act, 1830. In part; namely,— Section twenty-eight.
2 & 3 Will. 4. c. 108. -	The Special Constables (Ireland) Act, 1832. In part; namely,— Section nineteen.
3 & 4 Will. 4. c. 90. -	The Lighting and Watching Act, 1833. In part; namely,— Section sixty eight

Reign and Chapter.	Title.
6 & 7 Will. 4. c. 37. -	The Bread Act, 1836. In part; namely,— Section twenty-nine.
1 & 2 Vict. c. 28. -	The Bread (Ireland) Act, 1838. In part; namely,— Sections twenty-five and twenty-six.
1 & 2 Vict. c. 56. -	The Poor Relief (Ireland) Act, 1838. In part; namely,— Section one hundred and thirteen.
1 & 2 Vict. c. 82. -	The Parkhurst Prison Act, 1838. In part; namely,— Section sixteen.
2 & 3 Vict. c. 71. -	The Metropolitan Police Courts Act, 1839. In part; namely,— Section fifty-two.
3 & 4 Vict. c. 91. -	An Act the title of which begins with the words "An Act for the more" and ends with the word "wages." In part; namely,— Section thirty-two.
3 & 4 Vict. c. 108. -	The Municipal Corporations (Ireland) Act, 1840. In part; namely,— Section two hundred and four.
5 & 6 Vict. c. 24. -	The Dublin Police Act, 1842. In part; namely,— Sections seventy-four and seventy-five.
5 & 6 Vict. c. 89. -	The Drainage (Ireland) Act, 1842. In part; namely,— Sections one hundred and forty and one hundred and forty-one.
5 & 6 Vict. c. 106. -	The Fisheries (Ireland) Act, 1842. In part; namely,— Section one hundred and ten.
5 & 6 Vict. c. 123. -	The Private Lunatic Asylums (Ireland) Act, 1842. In part; namely,— Section forty-eight.
6 & 7 Vict. c. 37. -	The New Parishes Act, 1843. In part; namely,— Section four, the words "for England."
6 & 7 Vict. c. 77. -	The Welsh Cathedrals Act, 1843. In part; namely,— Section twelve, the words "for England."

Reign and Chapter.	Title.
6 & 7 Vict. c. 91. -	The Charitable Loan Societies (Ireland) Act, 1843. In part; namely,— Section sixty-one.
7 & 8 Vict. c. 31. -	An Act for the warehousing of foreign goods for home consumption at the borough of Manchester in the county of Lancaster.
7 & 8 Vict. c. 56. -	The Church Building (Banns and Marriages) Act, 1844. In part; namely,— Section six, the words "for England."
7 & 8 Vict. c. 83. -	The Savings Banks Act, 1844. In part; namely,— Section one, the words "of the Governor and Company."
7 & 8 Vict. c. 95. -	The Salmon Fisheries (Scotland) Act, 1844. In part; namely,— Section one, the words "from and after the passing of this Act."
7 & 8 Vict. c. 106. -	The County Dublin Grand Jury Act, 1844. In part; namely,— Section four, the words "present Secretary of the Grand Jury or any," and "thereafter." Section one hundred and fifty-five.
8 & 9 Vict. c. 16. -	The Companies Clauses Consolidation Act, 1845. In part; namely,— Section one hundred and forty-one.
8 & 9 Vict. c. 18. -	The Lands Clauses Consolidation Act, 1845. In part; namely,— Section fifteen, the words "Commissioners of Her Majesty's," and from "of the United" to "three of them."
8 & 9 Vict. c. 37. -	The Bankers (Ireland) Act, 1845. In part; namely,— Section seven, the words "to make and subscribe the aforesaid declaration nor."
8 & 9 Vict. c. 70. -	The Church Building Act, 1845. In part; namely,— The words "for England" wherever they occur in sections four and seventeen.
8 & 9 Vict. c. 109. -	The Gaming Act, 1845. In part; namely,— Sections twenty-two and twenty-three.
9 & 10 Vict. c. 3. -	An Act the title of which begins with the words "An Act to encourage" and ends with the word "Works." In part; namely,— Sections eighty and eighty-one.

Reign and Chapter.	Title.
9 & 10 Vict. c. 101. -	The Public Money Drainage Act, 1846. In part; namely,— Section twenty, the words "or chief remembrancer."
10 & 11 Vict. c. 14. -	The Markets and Fairs Clauses Act, 1847. In part; namely,— Section fifty-one. Section fifty-five, the words "or ward."
10 & 11 Vict. c. 15. -	The Gasworks Clauses Act, 1847. In part; namely,— Section thirty-nine. Section forty-two, the words "or ward."
10 & 11 Vict. c. 16. -	The Commissioners Clauses Act, 1847. In part; namely,— Section one hundred and five, the words "or ward."
10 & 11 Vict. c. 17. -	The Waterworks Clauses Act, 1847. In part; namely,— Section eighty-four. Section eighty-seven, the words "or ward."
10 & 11 Vict. c. 27. -	The Harbours, Docks, and Piers Clauses Act, 1847. In part; namely,— Section ninety-one. Section ninety-four, the words "or ward."
10 & 11 Vict. c. 31. -	The Poor Relief (Ireland) Act, 1847. In part; namely,— Section twelve, the words "after the passing of this Act."
10 & 11 Vict. c. 34. -	The Towns Improvement Clauses Act, 1847. In part; namely,— Section fifty. Section two hundred and nine.
10 & 11 Vict. c. 65. -	The Cemeteries Clauses Act, 1847. In part; namely,— Section sixty-one.
10 & 11 Vict. c. 69. -	The House of Commons Costs Taxation Act, 1847. In part; namely,— The word "attorney" wherever it occurs in sections two and eight. Section four the word "attornies."
10 & 11 Vict c. 89. -	The Town Police Clauses Act, 1847. In part; namely,— Section fifty-eight, from "whose evidence" to the end of the section. Section seventy-two.

Reign and Chapter.	Title.
10 & 11 Vict. c. 98. -	An Act to amend the law as to Ecclesiastical Jurisdiction in England. In part; namely,— Section two. Section nine, the words "who shall have been," from "after the passing" where those words first occur to "of this Act," and the word "hereafter" twice occurring.
10 & 11 Vict. c. 100. -	An Act the title of which begins with the words "An Act to regulate" and ends with the word "Police." In part; namely,— Section eight, the word "said" and from "anything" to the end of the section.
10 & 11 Vict. c. 108. -	The Ecclesiastical Commissioners Act, 1847. In part; namely,— The words "for England" in the preamble and in section one.
10 & 11 Vict. c. 112. -	An Act the title of which begins with the words "An Act to promote" and ends with the word "Company."
10 & 11 Vict. c. 114. -	An Act for improving the harbour and docks of Leith.
11 & 12 Vict. c. 41. -	An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in Ireland.
11 & 12 Vict. c. 43. -	The Summary Jurisdiction Act, 1848. In part; namely,— Section fifteen to "respectively; and."
11 & 12 Vict. c. 44. -	The Justices Protection Act, 1848. In part; namely,— Sections eight and nine. Section ten, the word "such" where it first occurs.
11 & 12 Vict. c. 76. -	An Act the title of which begins with the words "An Act to enable" and ends with the words "certain cases."
11 & 12 Vict. c. 78. -	The Crown Cases Act, 1848. In part; namely,— Section six, the words "at the discretion of the court" where they first occur, "beyond the seas," and from "or to be imprisoned" to the end of the section.
11 & 12 Vict. c. 83. -	An Act the title of which begins with the words "An Act to confirm" and ends with the word "Lancaster." In part; namely,— Section seven, from "established by" to the end of the section.

Reign and Chapter.	Title.
11 & 12 Vict. c. 88. -	The Post Office (Money Orders) Act, 1848. In part; namely,— Section three, the words "hereafter," "either heretofore granted or issued or to be," and "have been or." Section four, the words "at the discretion of the court either," "beyond the seas," and from "or be" to the end of the section.
11 & 12 Vict. c. 91. -	The Poor Law Audit Act, 1848. In part; namely,— Section two, the words "or attorney."
11 & 12 Vict. c. 102. -	An Act the title of which begins with the words "An Act to enlarge" and ends with the word "Woods." In part; namely,— Section eight from "instead of" to "Parliament" where it next occurs.
11 & 12 Vict. c. 103. -	An Act the title of which begins with the words "An Act to authorize" and ends with the word "Asylum."
11 & 12 Vict. c. 118. -	An Act the title of which begins with the words "An Act to explain" and ends with the word "Kingdom." In part; namely,— Section two, from "anything in any" to the end of the section.
12 & 13 Vict. c. 16. -	The Justices Protection (Ireland) Act, 1849. In part; namely,— Section eleven.
12 & 13 Vict. c. 18. -	The Petty Sessions Act, 1849. In part; namely,— Section two, the words "where at present there are not, or."
12 & 13 Vict. c. 21. -	An Act the title of which begins with the words "An Act to confirm" and ends with the words "said Town"
12 & 13 Vict. c. 45. -	The Quarter Sessions Act, 1849. In part; namely,— Title, the words "General and" and "of the Peace" The words "general or" wherever they occur, and the words "of the peace" wherever they occur after "sessions." Section eighteen, the words "either in term or vacation."
12 & 13 Vict. c. 46. -	An Act to facilitate the union of Turnpike Trusts.
12 & 13 Vict. c. 53. -	The Solicitors (Ireland) Act, 1849. In part; namely,— The words "attorney or" wherever they occur, and in section four the words "attorney's or."

Reign and Chapter.	Title.
12 & 13 Vict. c. 55. -	An Act the title of which begins with the words "An Act to abolish" and ends with the words "Jury Cess."
12 & 13 Vict. c. 59. -	The Landed Property Improvement (Ireland) Act, 1849. In part; namely,— Section six, from "under an Act" to "Ireland, or" and the word "other."
12 & 13 Vict. c. 78 -	The House of Lords Costs Taxation Act, 1849. In part; namely,— Section four, the words "after the present session of Parliament."
12 & 13 Vict. c. 79. -	An Act to facilitate the execution of conveyances and other instruments by or on behalf of the New Zealand Company in New Zealand.
12 & 13 Vict. c. 85. -	An Act to amend an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin. In part; namely,— Preamble. Section one. Section two to "year." Section three to "Dublin" where that word first occurs, the words "from and after the present year," and from "Provided also that any" to "this Act" where those words secondly occur. The words "And be it enacted that" in sections four, seven, ten to twelve, sixteen, seventeen, twenty, twenty-one, and the word "that" twice occurring in section twenty. Section five to "Borough." Section six to "enacted that." Section eight. Section nine to "first recited Act and." Section ten, the words "the year one thousand eight hundred and fifty and" and the word "succeeding." Section eleven, the words "the year one thousand eight hundred and fifty and" and the word "succeeding" where they respectively twice occur. Sections thirteen to fifteen. Section sixteen, the words "after the year one thousand eight hundred and fifty." Sections eighteen and nineteen. Section twenty-two to "enacted that." Section twenty-three.
12 & 13 Vict. c. 91. -	An Act to provide for the Collection of Rates in the City of Dublin. In part; namely,— Section seventy-nine.

Reign and Chapter.	Title.
12 & 13 Vict. c. 92. -	The Cruelty to Animals Act, 1849. In part; namely,— Section twenty-eight.
12 & 13 Vict. c. 102. -	An Act the title of which begins with the words "An Act to authorize" and ends with the words "such Sale."
13 & 14 Vict. c. 19. -	The Judgment Mortgage (Ireland) Act, 1850. In part; namely,— Section twelve, from "Provided always" to the end of the section.
13 & 14 Vict c 31. -	The Public Money Drainage Act, 1850. In part; namely,— Section eight, from "or the said" to "Parliament" and the words "and the said Act amending the same."
13 & 14 Vict. c. 36. -	The Court of Session Act, 1850. In part; namely,— Section twenty-nine, from "pronounced" to "Act."
13 & 14 Vict. c. 43. -	The Court of Chancery of Lancaster Act, 1850. In part; namely,— Section twelve, the words "from and after the passing of this Act." Section twenty-one, from "the Court of Common" to "Palatine or." The words "attorney or" wherever they occur in sections twenty-seven and thirty-four.
13 & 14 Vict. c. 60. -	The Trustee Act, 1850. In part; namely,— Section two, from "and including also surrenders" to "copyhold lands" where those words last occur, from "Great Britain as any" to "Lord Chancellor of" where those words last occur, and from "The word devisee" to "and descent." The words "or the Court of Chancery" wherever they occur in sections twenty, twenty-six, thirty, thirty-one, and forty-five. Section twenty, the words "born or unborn" and "as the case may be." Section twenty-six, the words "or of the Court of Chancery." Section twenty-seven, the words "or by the Court of Chancery." Section twenty-eight. Section thirty, the words "as the case may be" "the said Court or" and "born or unborn." Section thirty-seven, the words "for the appointment of a new trustee or trustees or." Section forty, the words "from the said Court of Chancery or" "to the Court of Chancery or" and "the said Court or."

Reign and Chapter.	Title.
13 & 14 Vict. c. 60.—*cont.*	Section forty-one, the words "for the said Court or" occurring twice, and "before the said Court or." Section forty-two, the words "the Court or." Sections forty-three and forty-four. Section forty-five, the word "said" where it first occurs. Section fifty-one, the words "and the Court of Chancery" and "or Court." Section fifty-three, the words "or to the Court of Chancery" and "or the said Court of Chancery." Section fifty-six. Section fifty-seven, the words "of Great Britain" and from "in like manner" to "as aforesaid."
13 & 14 Vict. c. 69. -	The Representation of the People (Ireland) Act, 1850. In part; namely,— Section sixty-five, the words "of a price after the rate contained" twice occurring. Section one hundred and seventeen, the words "and the schedules thereto annexed."
13 & 14 Vict. c. 79. -	The Annual Turnpike Acts Continuance Act, 1850.
13 & 14 Vict. c. 81. -	An Act the title of which begins with the words "An Act to explain" and ends with the word "Dublin." In part; namely,— Preamble to "of the last session" and from "and whereas it is" to "same that" Section two.
13 & 14 Vict. c. 84. -	An Act, the title of which begins with the words "An Act to enable" and ends with the words "of Duty."
13 & 14 Vict. c. 94. -	The Ecclesiastical Commissioners Act, 1850. In part; namely,— The words "for England" in sections eight and fifteen. Section nineteen, from "after the tenth" to "fifty" and the words "after the said tenth day of April." Section twenty, from "but that no" to the end of the section. Section twenty-five, to "possession thereof."
13 & 14 Vict. c. 101. -	The Poor Law Amendment Act, 1850. In part; namely,— Section eight, from "to alter and amend" to "at a time."
13 & 14 Vict. c. 111. -	An Act the title of which begins with the words "An Act to relieve" and ends with the words "such Harbour."
14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851. In part; namely,— Section sixteen, from "and the restrictions" to the end of the section.

Reign and Chapter.	Title.
14 & 15 Vict. c. 38. -	An Act the title of which begins with the words "An Act to facilitate" and ends with the word "Tolls."
14 & 15 Vict. c. 42. -	The Crown Lands Act, 1851. In part; namely,— The schedule, so far as it relates to the following Acts:—9 Geo. 4. c. 75. (Holyhead Roads), 6 & 7 Will. 4. c. 35. (Holyhead Roads), 3 & 4 Vict. c. 104. (Holyhead Roads), 5 & 6 Vict. c. 64. (London Bridge Approaches), 7 & 8 Vict. c. 84. (Metropolitan Buildings Act), 8 & 9 Vict. c. 101. (Penny Coal Duties), 10 & 11 Vict. c. 76. (Holyhead Harbour), 11 & 12 Vict. c. 124. (London Bridge Approaches Fund).
14 & 15 Vict. c. 57. -	The Civil Bill Courts (Ireland) Act, 1851. In part; namely,— Section twenty-three, from "be deemed" to "of this Act." Section ninety-four, the word "chairman." Section one hundred and forty-four, the words "already made or pronounced or hereafter."
14 & 15 Vict. c. 90. -	The Fines Act (Ireland), 1851. In part; namely,— Section three, the words "after this Act shall come into operation."
14 & 15 Vict. c. 98. -	The Petty Sessions (Ireland) Act, 1851. In part; namely,— Section thirty-five, the words "an attorney or" and "attorney or." Section thirty-eight, from "and any materials" to "naming them" where those words next occur.
14 & 15 Vict. c. 102. -	The Seamen's Fund Winding-up Act, 1851. In part; namely,— Section forty-two, to "aforesaid" where that word first occurs, and from "such contributions" to the end of the section. Section forty-three, from "after the time" to "contributions, and." Section forty-five, from "made after" to "this Act."
15 & 16 Vict. c. 12. -	The International Copyright Act, 1852. In part; namely,— Section seven, from "without the formalities" to "section."
15 & 16 Vict. c. 28. -	The Commissioners of Works Act, 1852. In part; namely,— Section four, the words "from the passing of this Act."
15 & 16 Vict. c. 33 -	An Act the title of which begins with the words "An Act to confirm" and ends with the words "from tolls."

Reign and Chapter.	Title.
15 & 16 Vict. c. 34. -	The Landed Property Improvement (Ireland) Act, 1852. In part; namely,— So far as relates to the Act 12 & 13 Vict. c. 23.
15 & 16 Vict. c. 55. -	An Act to extend the provisions of "The Trustee Act, 1850." In part; namely,— The words "or by the Court of Chancery" in sections six and seven. Section seven, the words "or the Court of Chancery."
15 & 16 Vict. c. 57. -	The Election Commissioners Act, 1852. In part; namely,— Section seventeen.
15 & 16 Vict. c. 63. -	An Act to amend the Laws relating to the Valuation of Rateable Property in Ireland. In part; namely,— Section forty-four.
15 & 16 Vict. c. 72. -	An Act to grant a Representative Constitution to the Colony of New Zealand. In part; namely,— Section forty-four, from "and the time" to "Representatives."
15 & 16 Vict. c. 85. -	The Burial Act, 1852. In part; namely,— The words "in the metropolis" in sections ten, forty-two, and fifty.
16 & 17 Vict. c. 60. -	An Act to amend the Acts regulating the Salaries of Resident Magistrates in Ireland.
16 & 17 Vict. c 61. -	An Act the title of which begins with the words "An Act to confirm" and ends with the words "from tolls."
16 & 17 Vict. c. 89. -	An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland. In part; namely,— Section six, from "and the office" to the end of the section.
16 & 17 Vict. c. 112. -	The Dublin Carriage Act, 1853. In part; namely,— Section seventy-eight.
16 & 17 Vict. c. 119. -	The Betting Act, 1853. In part; namely,— Sections sixteen and seventeen.
16 & 17 Vict. c. 134. -	The Burial Act, 1853. In part; namely,— Section seven, from "and the words" to "were omitted."

Reign and Chapter.	Title.
17 & 18 Vict. c. 38. -	The Gaming Houses Act, 1854. In part; namely,— Sections thirteen and fourteen.
17 & 18 Vict. c. 76. -	The Convict Prisons (Ireland) Act, 1854. In part; namely,— Section two, the words "transportation or of." In sections eleven and twenty, the words "transportation or." Section twenty-three. Section twenty-seven, the words "to transportation or."
17 & 18 Vict. c. 116. -	The Episcopal and Capitular Estates Act, 1854. In part; namely,— Section five, from "or in an Act" to "Copyhold Acts." The words "for England" wherever they occur in sections six, and eight to ten.
18 & 19 Vict. c. 119. -	The Passenger Act, 1855. In part; namely,— Section ninety-two.
18 & 19 Vict. c. 120. -	The Metropolis Local Management Act, 1855. In part; namely,— Section two hundred and twenty-four.
19 & 20 Vict. c. 24. -	An Act the title of which begins with the words "An Act for enabling," and ends with the words "Juvenile Convicts."
19 & 20 Vict. c. 41. -	The Seamen's Savings Bank Act, 1856. In part; namely,— Section six, from "for a term" to "two years."
19 & 20 Vict. c. 97. -	The Mercantile Law Amendment Act, 1856. In part; namely,— Section fifteen.
20 & 21 Vict. c. 77. -	The Court of Probate Act, 1857. In part; namely,— Schedule B.
21 & 22 Vict. c. 35. -	An Act the title of which begins with the words "An Act to remove" and ends with the word "Albreda." In part; namely,— Section one, the words "in the said recited Act or" and the word "other."
21 & 22 Vict. c. 83. -	The Universities (Scotland) Act, 1858. In part; namely,— Section three, from "and no such office" to the end of the section.

Reign and Chapter.	Title.
23 & 24 Vict. c. 80. -	An Act the title of which begins with the words "An Act to regulate" and ends with the words "in Scotland." In part; namely,— Section three, the words "with the Solicitor of Inland Revenue at Edinburgh."
24 & 25 Vict. c. 26. -	The Dublin Improvement Act Amendment Act, 1861. In part; namely,— Preamble. Section seven. Section eight, the words "or from the passing of this Act." Section eleven, to "therefore." Section thirteen.
24 & 25 Vict. c. 133. -	The Land Drainage Act, 1861. In part; namely,— Section fifty-three.
25 & 26 Vict. c. 67. -	The Declaration of Title Act, 1862. In part; namely,— Section forty-five, from "or for any term" to the end of the section.
25 & 26 Vict. c. 102. -	The Metropolis Local Management Act, 1862. In part; namely,— Section forty-two.
25 & 26 Vict. c. 104. -	The Queen's Prison Discontinuance Act, 1862. In part; namely,— Sections ten and eleven.
26 & 27 Vict. c. 105. -	An Act, the title of which begins with the words "An Act to remove," and ends with the words "limited sum." In part; namely,— Section one, to "of this Act."
27 & 28 Vict. c. 99. -	The Civil Bill Courts Procedure Amendment Act (Ireland), 1864. In part; namely,— Section sixty-four.
28 & 29 Vict. c. 124. -	The Admiralty Powers, &c. Act, 1865. In part; namely,— Section six, from "or to be imprisoned" to "confinement." Section eight, from "or to be imprisoned" to "confinement."
29 & 30 Vict. c. 67. -	The British Columbia Act, 1866. In part; namely,— Sections two to six. Repealed as to all Her Majesty's dominions.

Reign and Chapter.	Title.
29 & 30 Vict. c. 74. -	An Act to repeal Part of an Act intituled "An Act for the Government of New South Wales and Van Diemen's Land." Repealed as to all Her Majesty's dominions.
29 & 30 Vict. c. 104. -	An Act the title of which begins with the words "An Act to guarantee" and ends with the words "New Zealand." In part; namely,— Section three. Repealed as to all Her Majesty's dominions.
30 & 31 Vict. c. 114. -	The Court of Admiralty (Ireland) Act, 1867. In part; namely,— Section six. Section nine. Section ten, the words "proctor, attorney," and from "and the persons" to the end of the section. Section eleven. Section thirteen, the words "proctor" and "or attorney" wherever they occur. Sections fourteen to twenty-five. Sections thirty-nine to forty-one. Sections forty-eight and forty-nine. Sections fifty-three to sixty-five. Sections sixty-seven and sixty-eight. Section seventy. Section eighty-two. Section eighty-eight. Section ninety-four. Section one hundred and seven. Sections one hundred and eleven to one hundred and nineteen.
31 & 32 Vict. c. 24. -	The Capital Punishment Amendment Act, 1868. In part; namely,— Section nine, the words "and with or without solitary confinement."
31 & 32 Vict. c. 48. -	The Representation of the People (Scotland) Act, 1868. In part; namely,— Section twenty-eight, the words "and assistant registrars hereinafter mentioned." Section thirty-one, from "with the assistance" to "October" where that word next occurs, and the words "and assistant registrars." Section thirty-five, the words "within fifteen days" and from "with the assistance" to "University Court." Section thirty-six.
31 & 32 Vict. c. 101. -	The Titles to Land Consolidation (Scotland) Act, 1868. In part; namely,— Schedule (A.) No. 1.

Reign and Chapter.	Title.
31 & 32 Vict. c. 120. -	An Act the title of which begins with the words "An Act to relieve" and ends with the word "Indies." In part; namely,— Section one, the words "after the passing of this Act" twice occurring.
33 & 34 Vict. c. 66. -	The British Columbia Act, 1870. Repealed as to all Her Majesty's dominions.
33 & 34 Vict. c. 69. -	The Statute Law Revision Act, 1870. In part; namely,— Schedule.
33 & 34 Vict. c. 106. -	An Act to amend the Sanitary Act, 1866, so far as relates to the City of Dublin.
34 & 35 Vict. c. 86. -	The Regulation of the Forces Act, 1871. In part; namely,— Section nineteen, so far as relates to the Secretary of State.
34 & 35 Vict. c. 105. -	The Petroleum Act, 1871. In part; namely,— Section two, so far as relates to the term Secretary of State.
34 & 35 Vict. c. 116. -	The Statute Law Revision Act, 1871. In part; namely,— Schedule.
35 & 36 Vict. c. 63. -	The Statute Law Revision Act, 1872. In part; namely,— Section two. Schedule.
35 & 36 Vict. c. 97. -	The Statute Law Revision Act, 1872 (No. 2). In part; namely,— Schedule.
37 & 38 Vict. c. 35. -	The Statute Law Revision Act, 1874. In part; namely,— Section two. Schedule.
37 & 38 Vict. c. 65. -	An Act the title of which begins with the words "An Act to enable" and ends with the words "coming of age."
37 & 38 Vict. c. 96. -	The Statute Law Revision Act, 1874 (No. 2). In part; namely,— Section two. Schedule.
38 & 39 Vict. c. 66. -	The Statute Law Revision Act, 1875. In part; namely,— Sections two and three. Schedule.

Reign and Chapter.	Title.
38 & 39 Vict. c. 95. -	An Act the title of which begins with the words "An Act to amend" and ends with the words "of Dublin."
39 & 40 Vict. c. 1. -	The Exchequer Bonds Act, 1876.
39 & 40 Vict. c. 5. -	The Telegraph (Money) Act, 1876. In part; namely,— Preamble. Sections one to three. Section four, to "therefore enacted that," and from "The first account" to the end of the section.
39 & 40 Vict. c. 7. -	An Act to amend the Law relating to certain Appointments to the Council of India. In part; namely,— Preamble.
39 & 40 Vict. c. 11. -	The United Parishes (Scotland) Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 12. -	An Act to assimilate the Law of Scotland to that of England respecting the creation of Burgesses. In part; namely,— Preamble. Section one, from "one thousand" to "Whitsunday" where it next occurs
39 & 40 Vict. c. 13. -	The Drugging of Animals Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 14. -	The Chelsea Hospital Act, 1876. In part; namely,— Preamble. Section one, from "sections forty" to the end of the section. Section two, from "The Acts" to the end of the section. Schedule.
39 & 40 Vict. c. 16. -	The Customs and Inland Revenue Act, 1876. In part; namely,— Preamble. Section four, to "contained in" from "the following" to "said section" and the word "said" before "scale." Section twelve and Schedule.
39 & 40 Vict. c. 17. -	The Partition Act, 1876. In part; namely,— Section two, to "suit and," and the words "decree or."

PROVINCIAL SECRETARY'S LIBRARY

Reign and Chapter.	Title.
39 & 40 Vict. c. 18. -	The Treasury Solicitor Act, 1876. In part; namely,— Section seven, from "The expression" where those words first occur, to "Treasury" where it last occurs. Section nine, to "provided that." First Schedule.
39 & 40 Vict. c. 19. -	The Salmon Fishery Act, 1876. In part; namely,— Preamble. Section one, from "and this Act" to the end of the section. Section three. Section four, the words "at any time after the commencement of this Act."
39 & 40 Vict. c. 20. -	The Statute Law Revision (Substituted Enactments) Act, 1876. In part; namely,— Section one, the words "Act and the" and "amending the same." Section seven. Schedule.
39 & 40 Vict. c. 21. -	The Jurors Qualification (Ireland) Act, 1876. In part; namely,— Preamble. Section two, from "shall be in force" to "said provisions." Section four, from "from and after" to "seventy-six." Section five, the words "after the passing of this Act." Section six.
39 & 40 Vict. c. 22. -	The Trade Union Act Amendment Act, 1876. In part; namely,— Preamble. Section four, the words "the Governors and Companies of."
39 & 40 Vict. c. 23. -	The Prevention of Crimes Amendment Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 24. -	The Small Testate Estates (Scotland) Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 25. -	An Act to Amend the Law in Scotland in regard to the Division of Burghs into Wards. In part; namely,— Preamble. Section three, to "Act and" and the word "respectively."

Reign and Chapter.	Title.
39 & 40 Vict. c. 26. -	The Publicans' Certificates (Scotland) Act, 1876. In part; namely,— Section three. Section nine, sub-section three, from "commencing" to "seventy-six"; and sub-section four from "commencing" to "seventy-six."
39 & 40 Vict. c. 28. -	The Court of Admiralty (Ireland) Amendment Act, 1876. In part; namely,— Preamble. Section seven, the words "Commissioners of Her Majesty's." Section eleven. Section twelve, the words "Commissioners of Her Majesty's" where they first occur. Section sixteen to "Act."
39 & 40 Vict. c. 31. -	The Public Works Loans (Money) Act, 1876. In part; namely,— Preamble. Section two. Section four. Section five. Section six, to "Provided always that." Section seven, to "enacted as follows."
39 & 40 Vict. c. 34. -	An Act to Amend the Law relating to Elver Fishing. In part; namely,— Preamble.
39 & 40 Vict. c. 35. -	The Customs Tariff Act, 1876. In part; namely,— Section one, to "drawbacks" where that word first occurs, and the words "on and after the passing of this Act" and "Her heirs and successors."
39 & 40 Vict. c. 36. -	The Customs Consolidation Act, 1876. In part; namely,— Preamble. The words "Commissioners of the" in sections two, three, seven, eleven, twelve, fifteen, twenty-two, twenty-four, thirty-nine, seventy-seven, eighty-five, one hundred and forty, two hundred and ten, two hundred and sixty-two, two hundred and seventy-six, and two hundred and eighty-three. The words "the Governor and Company of" wherever they occur in sections twenty-one, twenty-two, twenty-three, twenty-four, and twenty eight. Section twenty-one, the words "the hands of." Section twenty-two, the word "said" before "Commissioners of the." The words "Commissioners of Her Majesty's" in sections twenty-seven and fifty-two. Section seventy-seven, the word "Lords."

Reign and Chapter.	Title.
39 & 40 Vict. c. 36.—*cont.*	Section one hundred and fifty-one, the words "and Her successors." Section two hundred and thirteen, the words "the Lords of." Section two hundred and fifteen, from "of the Lord" to "Commissioners." In sections two hundred and seven, two hundred and forty-five, and two hundred and fifty-nine, the words "Exchequer Division of the." The words "Her heirs and successors" wherever they occur in sections two hundred and forty-seven, two hundred and fifty-four, two hundred and seventy-five, and two hundred and seventy-six. Section two hundred and seventy-three, the word "attorney-at-law." Section two hundred and eighty-four, the definitions of Commissioners of the Treasury and Her Majesty. Section two hundred and eighty-eight. Schedule A.
39 & 40 Vict. c. 37. -	The Nullum Tempus (Ireland) Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 38. -	An Act the title of which begins with the words "An Act to extend" and ends with the words "In Ireland." In part; namely,— Preamble. Section two, to "Act."
39 & 40 Vict. c. 40. -	The Medical Practitioners Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 42. -	The Convict Prisons Returns Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 43. -	The Isle of Man (Officers) Act, 1876. In part; namely,— Preamble. Section one, the words "Commissioners of Her Majesty's."
39 & 40 Vict. c. 44. -	The Legal Practitioners (Ireland) Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 46. -	An Act for more effectually punishing Offences against the Laws relating to the Slave Trade. In part; namely,— Preamble to "or otherwise."

Reign and Chapter.	Title.
39 & 40 Vict. c. 47. -	The Saint Vincent, Tobago, and Grenada Constitution Act, 1876. In part; namely,— Title, the word "Tobago." Preamble. The Preamble to Part II. of the Act. Section two, to "enacted that" and from "and shall come" to the end of the section. Section three, from "and in construing" to the end of the section. Section four, the word "Tobago." Schedule, the Act relating to Tobago. Repealed as to all Her Majesty's Dominions.
39 & 40 Vict. c. 50. -	The Poor Law Rating (Ireland) Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 52. -	The Savings Banks (Barrister) Act, 1876. In part; namely,— Preamble. Section two, from "Commissioners," secondly occurring, to "Majesty's," and the words "in this Act referred to as the Treasury."
39 & 40 Vict. c. 53. -	The Superannuation Act, 1876. In part; namely,— Preamble. Section one, from "Commissioners" to "as the."
39 & 40 Vict. c. 54. -	The Bishopric of Truro Act, 1876. In part; namely,— Preamble. Section two, to "referred to as." Section three, four, and seven. Section eight, from "All annual" to "fund but" and the words "but after the appointment of a Bishop of Truro." Section nine, from "A scheme" to the end of the section.
39 & 40 Vict. c. 56. -	The Commons Act, 1876. In part; namely,— Preamble. Section nineteen, the words "after the passing of this Act." Section twenty, to "Act" where it first occurs. Section twenty-five. Section twenty-six, to "be it enacted that." Section twenty-seven, to "enacted that," from "from and after" where those words first occur to "section and shall" where those words next occur, and from "from and after" where those words last occur to "and shall." Section twenty-nine, to "that is to say." Section thirty-two, the words "after the passing of this Act." Section thirty-seven, from "Inclosure Acts," where those words secondly occur to "1876." Schedule.

Reign and Chapter.	Title.
39 & 40 Vict. c. 57. -	The Winter Assizes Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 58. -	The Parochial Records Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 59. -	The Appellate Jurisdiction Act, 1876. In part; namely,— Section two. Section six, the words "at any time after the passing of this Act," from "but such appointment" to "Act" where it next occurs, and from "during the time" to "and no longer." Section eight, from "Any order" to the end of the section. Section eleven, to "Lords and." Section fourteen, to "died or resigned," from "Lord of Appeal" where those words first occur to "appointed" where it next occurs, and from "on the death" to "appoint." Section fifteen, to "mentioned" where it first occurs, and from "The first three" to "mentioned." Section seventeen, to "seventy-six" where it first occurs, from "on or before" to "seventy-six," the words "to be made after the passing of this Act," and from "shall be made by" to "of court." Section twenty-two, from "This section" to the end of the section. Section twenty-three, to "enacted as follows," the words "after the passing of this Act," and the definition of "Admiralty." Section twenty-five, the definition of "error."
39 & 40 Vict. c. 61. -	The Divided Parishes and Poor Law Amendment Act, 1876. In part; namely,— Preamble. Section twenty-five, from "from and after" to "next." Section thirty-seven, to "next." Section forty-three, to "Provided that," the word "also" before "that the contribution," and the words "from and after the said first day of September next."
39 & 40 Vict. c. 62. -	The Sale of Exhausted Parish Lands Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 63. -	The Notices to Quit (Ireland) Act, 1876. In part; namely,— Preamble. Section six, to "enacted that." Section eight, the words "repeals or."

Reign and Chapter.	Title.
39 & 40 Vict. c. 65. -	An Act the title of which begins with the words "An Act to amend" and ends with the word "Dublin." In part; namely,— Preamble.
39 & 40 Vict. c. 67. -	The Suez Canal (Shares) Act, 1876. In part; namely,— Preamble. Section one, the words "Her heirs and successors." The words "Commissioners of Her Majesty's" in sections one and three.
39 & 40 Vict. c. 70. -	The Sheriff Courts (Scotland) Act, 1876. In part; namely,— Section two, to "Act" where it secondly occurs. Section twenty-six, to "Act" where it first occurs. Section thirty-five, from "in office at" to "such commissariot," and from "thereafter" to "as sheriff." Section thirty-eight, the words "after the commencement of this Act." Section thirty-nine, to "Act" where it first occurs. Section forty, the words "Lord Commissioners of Her Majesty's." Section forty-four, from "in lieu" to "said Act." Section forty-five, from "on or before," where those words first occur, to "seventy-seven and," and the word "thereafter" where it next occurs, and from "to furnish," where those words first occur, to "and thereafter." Section fifty-four, the words "the Commissioners of."
39 & 40 Vict. c. 71. -	The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876. In part; namely,— Preamble. Section two.
39 & 40 Vict. c. 73. -	The Pensions Commutation Act, 1876. In part; namely,— Preamble.
39 & 40 Vict. c. 75. -	The Rivers Pollution Prevention Act, 1876 In part; namely,— Preamble.
39 & 40 Vict. c. 76. -	The Municipal Privilege Act, Ireland, 1876. In part; namely,— Preamble. The words "of Ireland" in sections three, four, and five. Section nine, the words "after the passing of this Act." Section eleven, to "Act."

Reign and Chapter.	Title.
39 & 40 Vict. c. 77. -	The Cruelty to Animals Acts, 1876. In part; namely,— Preamble. Section three, sub-section two, from "one of" to "referred to as." Section sixteen, the words "general or." Section seventeen, the words "in Edinburgh or on circuit." Section twenty, from "to the" to the end of the section.
39 & 40 Vict. c. 78. -	The Juries Procedure (Ireland) Act, 1876. In part; namely,— Preamble. Section seven, the words "to the Lord Lieutenant of Ireland" Section thirteen, from "no jury" to "sworn but." Section fifteen, to "enacted that." Section seventeen, to "Act." Section twenty, from "after the first" to "seventy-six." First Schedule, the words "attorneys and."
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876. In part; namely,— Preamble. Section three. Section five, the words "after the commencement of this Act." Section nineteen, to "seventy-seven." Section forty, to "as follows." Section forty-four, to "Act," where it first occurs, and from "but the said" to the end of the section. Section forty-eight, the definition of "Secretary of State."
39 & 40 Vict. c. 80. -	The Merchant Shipping Act, 1876. In part; namely,— Section two, from "and the said" to the end of the section. Section three. Section fourteen, to "enacted that." Section twenty-four, to "seventy-six."
40 & 41 Vict. c. 2. -	The Treasury Bills Act, 1877. In part; namely,— Preamble. Section one, to "and may be cited as," and the words "and that Act." Section two, the definitions of Treasury and Bank of England.
40 & 41 Vict. c. 3. -	The Publicans' Certificates (Scotland) Act (1876) Amendment Act, 1877. In part; namely,— Preamble.

Reign and Chapter.	Title.
40 & 41 Vict. c. 4. -	The Beer Licenses Regulation (Ireland) Act, 1877. In part; namely,— Section two, to "seventy-seven." Section three, to "Act" where it first occurs.
40 & 41 Vict. c. 9. -	The Supreme Court of Judicature Act, 1877. In part; namely,— Section one, from "and together" to "1875, 1877." Section four, to "enacted that."
40 & 41 Vict. c. 10. -	The Customs and Inland Revenue Amendment Act, 1877. In part, namely,— Preamble.
40 & 41 Vict. c. 11. -	An Act to make provision with respect to Judicial Proceedings in certain cases relating to Rating. In part; namely,— Section one, from "whether commenced" to "Act." Section three, from "or of any" to "justice."
40 & 41 Vict. c. 13. -	The Customs, Inland Revenue, and Savings Banks Act, 1877. In part; namely,— Preamble Section twelve, to "next," and from "instead," where it secondly occurs, to "Controller," where it next occurs. Section fourteen, to "as follows," and the words "Commissioners of Her Majesty's." Section fifteen, to "as follows," and the words "Commissioners of Her Majesty's." Section sixteen, to "as follows," and the words "Commissioners of Her Majesty's."
40 & 41 Vict. c. 14. -	The Evidence Act, 1877. In part; namely,— Preamble.
40 & 41 Vict. c. 15. -	The Public Libraries (Ireland) Amendment Act, 1877. In part; namely,— Preamble. Section five, the words "Commissioners of Her Majesty's."
40 & 41 Vict. c. 17. -	An Act to amend the Law relating to the Division of Courts of Quarter Sessions in Boroughs. In part; namely,— Preamble.
40 & 41 Vict. c. 18. -	The Settled Estates Act, 1877. In part; namely,— Preamble. Section forty, from "except that" to the end of the section. Section forty-two, from "so far as relates" to the end of the section. Section fifty-seven, the words "continued or" where they first occur, and from "or may be" to "require." Section sixty-one.

Reign and Chapter.	Title.
40 & 41 Vict. c. 20. -	The Constabulary (Ireland) Amendment Act, 1877. In part; namely,— Title, from "to fix" to "and." Preamble.
40 & 41 Vict. c. 21. -	The Prisons Act, 1877. In part; namely,— Section two. Section four to "Act" where it first occurs. Section five, from "on and after" to "Act" where it next occurs, and from "one of" to "referred to as." Section six, the words "after the passing of the Act." Section fourteen, from "on or before" to "Act" where it next occurs, and the word "hereafter." Section thirty-six, the words "after the commencement of this Act." Section forty-two, the first word "That." Section forty-five, to "Act" where it first occurs.
40 & 41 Vict. c. 23. -	The Colonial Fortifications Act, 1877. In part; namely,— Section one, the words "Commissioners of Her Majesty's."
40 & 41 Vict. c. 25. -	The Solicitors Act, 1877. In part; namely,— Preamble. Section one, from "the Act of," where those words first occur, to "and this Act," and the word "said" before "Solicitors." Section three. Section six, from "in the year" to "seventy-eight and" and the word "succeeding." Section fourteen. Section twenty-three. The Second Schedule, Part I.
40 & 41 Vict. c. 26. -	The Companies Act, 1877. In part; namely,— Preamble. Section two, from "and the said Acts" to the end of the section. Section six, to "enacted that."
40 & 41 Vict. c. 27. -	The Public Works Loans (Ireland) Act, 1877. In part; namely,— Preamble. Section three, from "the Commissioners," where the words first occur to "referred to as." Section five, to "therefore enacted that." Section six, the words "Commissioners of Her Majesty's." Section seven, to "therefore enacted that." Section eight, to "therefore enacted that." First Schedule, Part Two, so far as relates to 6 Geo. 4. c. 54.

Reign and Chapter.	Title.
40 & 41 Vict. c. 28. -	The Game Laws Amendment (Scotland) Act, 1877. In part; namely,— Preamble, from "And whereas" to end of preamble. Section two. Section eight, to "Act." Section nine, the words "always and be it enacted." Section ten, to "Act" where it first occurs and the words "from and after the passing of this Act" wherever they occur. Section eleven, to "Act," where that word first occurs.
40 & 41 Vict. c. 29. -	The Married Women's Property (Scotland) Act, 1877. In part; namely,— Preamble.
40 & 41 Vict. c. 30. -	The Telegraphs (Money) Act, 1877.
40 & 41 Vict. c. 31. -	The Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877. In part; namely,— Preamble.
40 & 41 Vict. c. 35. -	The Metropolitan Open Spaces Act, 1877. In part; namely,— Preamble. Section five, the words "for the time being," where they secondly occur, "Her Majesty's" and "and Public Buildings." In sections four and six, the word "said."
40 & 41 Vict. c. 36. -	The Registration of Leases (Scotland) Amendment Act, 1877. In part; namely,— Preamble.
40 & 41 Vict. c. 40. -	An Act the title of which begins with the words "An Act to amend" and ends with the words "Extracts of Writs." In part; namely,— Section seven, to "enacted that."
40 & 41 Vict. c. 41. -	The Crown Office Act, 1877. In part; namely,— Section two.
40 & 41 Vict. c. 42. -	The Fisheries (Oyster, Crab, and Lobster) Act, 1877. In part; namely,— Section two. Section thirteen, sub-sections (1), (2), and (3).
40 & 41 Vict. c. 43. -	The Justices Clerks Act, 1877. In part; namely,— Preamble. Section five, from "after the first" to "division," where that word next occurs. Section seven, the words "after the passing of this Act." Section eight, to "enacted as follows."

Reign and Chapter.	Title.
40 & 41 Vict. c. 45. -	The Treasury Chest Funds Act, 1877. In part, namely,— Section six, the definition of the Treasury. Section seven.
40 & 41 Vict. c. 48. -	The Universities of Oxford and Cambridge Act, 1877. In part; namely,— Preamble. Section one, from "and the Acts" to the end of the section. Section forty-four, the words "of Great Britain for the time being." The words "after the cesser of the powers of the Commissioners" in sections fifty-two, fifty-three, and fifty-four. The Schedule.
40 & 41 Vict. c. 49. -	The General Prisons (Ireland) Act, 1877. In part; namely,— Section three, the definitions of Lord Lieutenant and Privy Council. Section four, from "The General," where those words sixthly occur, to "have effect." Section five, the words "Commissioners of Her Majesty's." Section nine, to "Act," where it first occurs. Section twelve, the words "after the commencement of this Act." Section seventeen, to "seventy-eight" where it first occurs, and from "and from and after" to "determine." Section nineteen, the words "Commissioners of Her Majesty's" wherever they occur. Section twenty. Section twenty-one, to "seventy-eight." Section twenty-two. Section twenty-three, the words "Commissioners of the." Section twenty-four, to "seventy-eight." Section twenty-five, from "on or before" to "seventy-eight," and the word "thereafter." Section twenty-seven, from "From and after the first" to "seventy-eight." Section twenty-eight, to "seventy-eight," and the words "Commissioners of Her Majesty's." Section thirty, to "seventy-eight." Section thirty-one, the words "Commissioners of Her Majesty's" Section thirty-two, from "after the first" to "seventy-eight," next occurring and the words "Commissioners of Her Majesty's" wherever they occur. Section forty-three, to "seventy-eight." Section forty-four, the words "to the Lord Lieutenant." Section fifty-seven, the words "Commissioners of Her Majesty's." Section fifty-nine.

Reign and Chapter.	Title.
40 & 41 Vict. c. 50. -	The Sheriff Courts (Scotland) Act, 1877. In part; namely,— Section two. Section three, to "Act" and the words "her heirs and successors." Section four, to "Act" where it first occurs. Section six, to "Act" where it first occurs. Section seven, the words "after the passing of this Act."
40 & 41 Vict. c. 51. -	An Act the title of which begins with the words "An Act to enable" and ends with the words "of India." In part; namely,— Preamble. Section one, the words "after the passing of this Act." Section sixteen.
40 & 41 Vict. c. 53. -	The Prisons (Scotland) Act, 1877. In part; namely,— Section two. Section four, to "Act" where it first occurs. Section five, the words "on and after the commencement of this Act." Section six, the words "after the passing of this Act." Section seven, the words "after the passing of this Act." Section fifteen, from "on or before" to "Act" and the word "hereafter." Section forty-three, the words "after the commencement of this Act" where they first occur. Section fifty-four, to "Act" where it first occurs, and from "The persons who" to the end of the section. Section sixty, to "Act" where it first occurs.
40 & 41 Vict. c. 55. -	The Public Record Office Act, 1877. In part; namely,— Preamble. Section one, the words "Commissioners of Her Majesty's." Section two, to "therefore enacted that," and the words "after the passing of this Act" and from "Section nine of the" to the end of the section. Section three, from "the Act" to "cited as."
40 & 41 Vict. c. 56. -	The County Officers and Courts (Ireland) Act, 1877. In part; namely,— Preamble. Section three, the words "from and after the commencement of this Act." Section four Section five. Section seven, the definition of "Lord Lieutenant" and "Treasury," and the words "shall mean the Lord Chancellor of Ireland and." Section eight, sub-section five, to "Act and." Section nine, the words "after the passing of this Act."

Reign and Chapter.	Title.
40 & 41 Vict. c. 56.—*cont.*	Section twelve, the words "attorney or" wherever they occur. Section thirteen, the words "an attorney or" Section eighteen, the words "after the passing of this Act." Section twenty, sub-section one, from "Provided always" to the end of the sub-section. Section twenty-one, the words "after the passing of this Act." Section twenty-four, the words "after the passing of this Act" and "except the Clerk of the Peace for the County of Wexford." Section twenty-five, to "determine" and the words "after the passing of this Act" wherever they occur. Section twenty-seven, the words "or Registrar of Civil Bills." Section thirty the words "Registrar of Civil Bills." Section forty-nine, the words "made after the passing of this Act" and from "until the" to "appointment" where it last occurs. Section seventy-one, to "required and." Section seventy-four, the words "after the passing of this Act." Section seventy-five, to "Act" where it first occurs. Section seventy-nine, the words "after the passing of this Act" wherever they occur. Section eighty-one, to "Act" where it first occurs and from "and from and after the passing of this Act" to the end of the section. Section eighty-five, the words "after the passing of this Act." Section eighty-six, the words "existing and any future," the words "From and after such union of offices" and "upon such union of offices" wherever they respectively occur, and from "Until each respective" to "herein-before provided" where those words last occur, and the words "after such union." Section ninety-two, the words "after the passing of this Act."
40 & 41 Vict. c. 57. -	The Supreme Court of Judicature Act (Ireland), 1877. In part; namely,— Preamble. Section two. Section three, the definitions of "Lord Lieutenant" and "Treasury" and the words "shall mean Lord Chancellor of Ireland and." Section four, to "Act" where it first occurs. Section six, the words "the Lord Chief Justice of the Common Pleas," where they secondly occur, and from "The vacancy now existing" to "not be filled up."

Reign and Chapter.	Title.
40 & 41 Vict. c. 57.—*cont.*	Section nine, to "High Court of Justice" where those words first occur, and from "Until such transfer" to the end of the section. Section ten, the words "the Lord Chief Justice of the Common Pleas" from "The first" to "thereby created" and the words "Chief Justice of the Common Pleas." Section fifteen, the words "from and after the passing of this Act." Section sixteen, the words "the Lord Chief Justice of the Common Pleas." Section seventeen, to "Act" where it first occurs, and from "shall be instead" to "such salaries," and the words "after the commencement of this Act." Section eighteen, the words "the Lord Chief Justice of the Common Pleas and," "each," "Common Pleas" where those words next occur, and "Lord Chief Justice, Chief Justice of the Common Pleas, and" Section twenty, the words "shall grow due from day to day but," the words "on the usual," and from "days of payment" to the end of the section. Section twenty-five. Section twenty-eight, to "enacted as follows." Section twenty-nine, to "Act but." Section thirty, from "before" where it first occurs to "Act" where it thirdly occurs. Section thirty-four, the word "five" wherever it occurs; the words "immediately on the commencement of this Act," the whole of sub-section three, the words "the Common Pleas Division" where they first occur, the words "Common Pleas" where they next occur, the words "The Common Pleas Division of three Judges," from "from and after" to "junior Barons," and from "Any vacancy at" to "after the commencement of this Act." Section thirty-five, the words "Common Pleas." Section thirty-six, from "There shall be assigned," where those words thirdly occur to "Common Pleas Division" where those words last occur. Section forty-one, the words "Common Pleas." Section forty-three, the words "Common Pleas" where they first occur, and from "and in the meantime" to the end of the section. Section forty-six, the words "Common Pleas" wherever they occur. Section fifty, the words "after the commencement of this Act" and "the Lord Chief Justice of the Common Pleas." Section fifty-one, the words "Common Pleas." Section sixty-one, from "made upon the recommendation" to "such other judges," the words "on the recommendation of the judges herein-before specified," and from "The rules contained" to the end of the section.

Reign and Chapter.	Title.
40 & 41 Vict. c. 57.—*cont.*	Section sixty-two, the words "after the commencement of this Act." Section sixty-three, the words "from and after the passing of this Act." Section sixty-four. Section seventy, the words "to the Lord Lieutenant of Ireland." Section seventy-two, the words "from and after the commencement of this Act" and from "and all officers" where those words first occur, to "Common Pleas Division of the said High Court" and the words "the Chief Justice of the Common Pleas." Section seventy-three, the words "the Chief Justice of the Common Pleas" and "after the passing of this Act." Section seventy-five, to "such existing Receiver Master," the words "after the death, resignation, "or release of said Receiver Master," "after the "death, resignation, or release of the existing Re-"ceiver Master," "after the passing of this Act," and from "The Lord Lieutenant" where those words last occur to the end of the section. Section seventy-seven, the words "Common Pleas." Section seventy-eight, to "Act" where it first occurs. Section eighty-four, from "either before" to "Act" where it next occurs. Section eighty-five, the words "after the passing of this Act" where they first occur, and "from and after the passing of this Act." Section eighty-six, the words "subsequent to the commencement of this Act" and from "Nothing in this Act" to the end of the section. Schedule.
40 & 41 Vict. c. 59. -	The Colonial Stock Act, 1877. In part; namely,— The words "Commissioners of Her Majesty's" wherever they occur in sections one, nineteen, and twenty. Section twenty-six, from "The Act of the session" to "1835."
40 & 41 Vict. c. 60. -	The Canal Boats Act, 1877. In part; namely,— Section one, to "into force" where those words secondly occur. Section fifteen.
40 & 41 Vict. c. 62. -	The Legal Practitioners Act, 1877. In part; namely,— Preamble.
40 & 41 Vict. c. 63. -	The Building Societies Act, 1877. In part; namely,— Preamble.

Reign and Chapter.	Title.
40 & 41 Vict. c. 66. -	The Local Taxation Returns Act, 1877. In part; namely,— Preamble. Section five, from "The Act" to "cited as" where those words next occur, and the words "and that Act"
40 & 41 Vict. c. 68. -	The Destructive Insects Act, 1877. In part; namely,— Section one, to "referred to as." Section seven, sub-section one, from "or other" to "Ireland" where it next occurs.
41 & 42 Vict. c. 3. -	The House Occupiers Disqualification Removal Act, 1878. In part; namely,— Preamble. Section two, to "Act."
41 & 42 Vict. c. 5. -	The House Occupiers Disqualification Removal (Scotland) Act, 1878. In part; namely,— Preamble. Section two, to "Act."
41 & 42 Vict. c. 8. -	The Public Parks (Scotland) Act, 1878. In part; namely,— Preamble Section three to "Act." Section twenty-seven, the definitions of Secretary of State and Treasury.
41 & 42 Vict. c. 12. -	An Act for the Prevention of Accidents by Threshing Machines. In part; namely,— Preamble. Section two, to "seventy-nine."
41 & 42 Vict. c. 14. -	The Baths and Washhouses Act, 1878. In part; namely,— Preamble. Section nine, the words "Commissioners of Her Majesty's."
41 & 42 Vict. c. 15. -	The Customs and Inland Revenue Act, 1878. In part; namely,— Preamble Section three, from "on and after," where those words first occur, to "seventy-eight" where it next occurs, and from "on and after" where those words last occur, to "seventy-eight." Section sixteen, to "passing of this Act." Section seventeen, to "chapter five." Section twenty-five, to "seventy-eight" and the words "after the said first day of October."

Reign and Chapter.	Title.
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878. In part; namely,— Section two. Section twenty. Section ninety-six, the definitions of Treasury, Secretary of State, Education Department, Summary Jurisdiction Acts, and Court of Summary Jurisdiction. Section one hundred and five, sub-section six, and in sub-section twenty-two, the words "to the Court of Justiciary at Edinburgh." Section one hundred and six, sub-section five, the words "or Lords Justices of Ireland," sub-section seven. Section one hundred and seven. The Sixth Schedule.
41 & 42 Vict. c. 17. -	The Adulteration of Seeds Act, 1878. In part; namely,— Section two, to "Act" where it first occurs.
41 & 42 Vict. c. 18. -	The Public Works Loans Act, 1878. In part; namely,— Preamble. Section three, to "therefore enacted as follows," from "from the first" to "seventy-eight," where it first occurs, from "in the year" to "seventy-eight and," the word "succeeding," and from "and after the commencement" to the end of the section. Section four, to "enacted as follows."
41 & 42 Vict. c. 24. -	An Act to amend the Public Works (Loans) Ireland Act, 1877, so far as relates to Lunatic Asylums. In part; namely,— Preamble. Section one, the words "or other chief governor or governors" occurring twice, and "of Ireland."
41 & 42 Vict. c. 25. -	The Public Health (Water) Act, 1878. In part; namely,— Preamble. Section two.
41 & 42 Vict. c. 26. -	The Parliamentary and Municipal Registration Act, 1878. In part; namely,— Sections three and eight. Section fourteen, to "therefore enacted that." Section twenty-four, from "in the form" to "admit." Section thirty, from "The remuneration" to the end of the section. Section forty-three.

Reign and Chapter.	Title.
41 & 42 Vict. c. 28. -	The Entail Amendment (Scotland) Act, 1878. In part; namely,— Preamble. Section three, from "subject to" to the end of the section.
41 & 42 Vict. c. 31. -	The Bills of Sale Act, 1878. In part; namely,— Preamble. Section two, to "operation on" and the words "which day." Section twenty-three, to "Provided that."
41 & 42 Vict. c. 32. -	The Metropolis Management and Building Acts Amendment Act, 1878. In part; namely,— Preamble. Section six, to "Act" where it first occurs, and from "or the construction" to "Act" where it next occurs. Section seven, the words "after the passing of this Act" where they first occur, and from "or the construction" to the end of the section. Section twelve, the words "her heirs or successors." Section twenty-seven, the words "for the time being," "Her Majesty's," "Forests and Land Revenues," and "her heirs or successors."
41 & 42 Vict. c. 33. -	The Dentists Act, 1878. In part; namely,— Preamble. Section three, to "seventy-nine" where it first occurs, and from "after" where it last occurs, to "seventy-nine." Section four, from "A prosecution for such" to "mentioned" where it next occurs, the words "on such prosecution as herein-after mentioned," and from "shall not" to "council but." Section five, from "from and after" to "seventy-nine." Section seven, from "Provided that" to "unnecessary oaths." Section sixteen, from "before" to "seventy-nine," and from "a fee," where those words first occur, to "registered." Section twenty-eight, the words "after the passing of this Act."
41 & 42 Vict. c. 34. -	The South Wales Highway Act Amendment Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 38. -	The Innkeepers Act, 1878. In part; namely,— Preamble.

Reign and Chapter.	Title.
41 & 42 Vict. c. 39. -	The Freshwater Fisheries Act, 1878. In part; namely,— Section four.
41 & 42 Vict. c. 40. -	The Prisons Authorities Act, 1874, Amendment Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 41. -	The Parliamentary Elections Returning' Officers Expenses (Scotland) Act, 1878. In part; namely,— Preamble. Section six.
41 & 42 Vict. c. 42. -	The Tithe Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 43. -	The Marriage Notice (Scotland) Act, 1878. In part; namely,— Preamble. Section three, to "operation on" and the words "which date." Section fifteen, from "on or before" to "thereafter."
41 & 42 Vict. c. 44. -	The Truro Chapter Act, 1878. In part; namely,— Preamble. Section two.
41 & 42 Vict. c. 47. -	An Act the title of which begins with the words "An Act to enable" and ends with the word "thereto." In part; namely,— Preamble. Section two, to "being made." Section three, from "as from" to the end of section.
41 & 42 Vict. c. 49. -	The Weights and Measures Act, 1878. In part; namely,— Section two. Section five, from "as soon" to "Act" where it next occurs. Section sixty, the words "general or." Section seventy, the definitions of Court of Summary Jurisdiction, Quarter Sessions, and Treasury. Section seventy-three, from "to the Court" to "circuit courts," and the words "at Edinburgh." Section eighty-four, the definition of Summary Jurisdiction Acts. Section eighty-five, the definition of Lord Lieutenant. Section eighty-six, to "that is to say that." Sixth Schedule, First Part.
41 & 42 Vict. c. 50. -	The County of Hertford Act, 1878. In part; namely,— Preamble.

Reign and Chapter.	Title.
41 & 42 Vict. c. 51. -	The Roads and Bridges (Scotland) Act, 1878. In part, namely,— Section one, from "and except" to the end of the section. Section three, the definition of "Secretary of State," from "appointed and" to "this Act" four times occurring, and the definition of "Debt Commissioner." Sections four to ten. Section eleven, to "Act," and the words "as herein-after particularly provided," "herein-after mentioned," and "as herein-before defined." Sections twelve to fourteen. Section fifteen, to "appoint" and from "consisting" to "and the board." Section eighteen, from "in all time" to "forms part," the words "after such commencement," and from "of such county" to "the district committee." Sections nineteen to twenty-six. Section twenty-eight. Section thirty. Section thirty-one. Section thirty-two, to "of this Act," where those words first occur. Section thirty-three, to "Provided always that," and from "All causeway mail" to the end of the section. Section thirty-four, the words "from and after such abolition." Sections thirty-five and thirty-six. Section thirty-seven, the word "turnpike," from "(that is to say)" to "road is situated," sub-section (*b*), and from "(2) Where" to the end of the section. Section thirty-eight. Section forty, from "A commissioner of" to "property therein." Section forty-one, from "at their first" to "adjournment thereof," and from "but no road" to "of revenue." Section forty-two, from "which at the" to "as aforesaid." Section forty-six. Section forty-seven, to "of this Act" where those words first occur. Section forty-eight. Section fifty-two, from "as allocated" to "herein-before mentioned," and from "and such assessment" to "at their removal." Section fifty-five, from "at the time" to "Act" where it first occurs. Section fifty-eight, from "and shall be levied" to "or districts." Sections fifty-nine to sixty-eight. Section sixty-nine, the words "as herein-before provided."

Reign and Chapter.	Title.
41 & 42 Vict. c. 51.—*cont.*	Sections seventy-one to seventy-three. Section seventy-four, to "adopted by" where those words first occur, the words "such trustees," "after such resolution has been adopted by," and "the said local authority." Section eighty-one. Sections eighty-three to eighty-five. Section eighty-eight, from "and it is not" to "are so situated," and the words "or clerk of supply of any county." Section eighty-nine, to "as follows," the words "commence to," from "on the first" to "eighty-two," sub section (1), in sub-section (2) the words "appearing as aforesaid," and from "The Secretary of State may" to "common form," and sub-section (4). Section ninety, the words "or clerk of supply" in sub-section (1). Section ninety-three, to "Act" where it first occurs, from "and the right" to "thereafter cease," the words "at the said date of vesting," from "as at the date" where those words first occur, to "purchase or sale," and the words "so ascertained and determined." Section ninety-four, to "said date," from "notwithstanding the" to "county of Edinburgh," and the words "not hereby specially repealed." Section ninety-five. Section ninety-six, the words "In the event of," "being adopted," from "or otherwise" to "therein the same," and from "at the time this" to "any time thereafter." Section ninety-seven. Sections one hundred and three, one hundred and seven, and one hundred and eight. Section one hundred and eleven, to "that is to say." Sections one hundred and fourteen to one hundred and sixteen. Section one hundred and seventeen, to "provided: and." Section one hundred and nineteen, from "valued and" to "provided." Section one hundred and twenty. Section one hundred and twenty-one, the words "trustees of counties and." Section one hundred and twenty-three, the words "from and after the commencement of this Act." Schedule A.
41 & 42 Vict. c 52.	The Public Health (Ireland) Act, 1878. In part; namely,— Section two, the definitions of Summary Jurisdiction Acts and Court of Summary Jurisdiction. Section ten, to "Act" where it first occurs.

Reign and Chapter.	Title.
41 & 42 Vict. c. 52.—*cont.*	Section eleven, the words "Commissioners of Her Majesty's." Section one hundred and ninety-eight, the words "Commissioners of Her Majesty's." Section two hundred and seventy-six, the words "of the Lord Lieutenant" where they secondly occur, and "after the passing of this Act."
41 & 42 Vict. c. 53. -	The Admiralty and War Office Regulation Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 57. -	The Statute Law Revision (Ireland) Act, 1878. In part; namely,— Schedule.
41 & 42 Vict. c. 58. -	The Locomotives Amendment (Scotland) Act, 1878. In part; namely,— Section three, to "enacted that." Section four, to "Scotland and." Section five, to "enacted that." Section six, to "enacted that." Section nine, the definition of Secretary of State.
41 & 42 Vict. c. 59. -	The Drainage and Improvement of Lands (Ireland) Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 60. -	The Poor Afflicted Persons Relief (Ireland) Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 63. -	The Prison (Officers Superannuation) Act, 1878. In part; namely,— Preamble. Section five, the definition of Treasury.
41 & 42 Vict. c. 66. -	The Intermediate Education (Ireland) Act, 1878. In part; namely,— The words "Commissioners of Her Majesty's" in sections four, nine, and ten.
41 & 42 Vict. c. 68. -	The Bishoprics Act, 1878. In part; namely,— Preamble. Section two, to "referred to as." Section four. Section seven. Section eight, from "All annual" to "fund but." Section nine. Section ten. Section eleven, to "Liverpool" where it first occurs.

Reign and Chapter.	Title.
41 & 42 Vict. c. 69. -	The Petty Sessions Clerks and Fines (Ireland) Act, 1878. In part; namely,— Section two, from "in lieu" to the end of the section. Section five, to "Act" where it first occurs and from "instead of" to "Act." Section eight, to "Act" where it first occurs. Section twelve, to "Act" where it first occurs.
41 & 42 Vict. c. 71. -	The Metropolitan Commons Act, 1878. In part; namely,— Preamble.
41 & 42 Vict. c. 72. -	The Sale of Liquors on Sunday (Ireland) Act, 1878. In part; namely,— Preamble. Section four. Section seven.
41 & 42 Vict. c. 74. -	The Contagious Diseases (Animals) Act, 1878. In part; namely,— Section two. Section five, the definition of Treasury. Section eight, from "Her Majesty's" to "Council and." Section twenty-seven, from "as soon" to "and thereafter." Section thirty-five, sub-section (2) and sub-section (3) to "seventy-nine." Section seventy-four, sub-section (5), from "to the Court" to "Circuit Courts," and the words "at Edinburgh." Section seventy six, sub-section (i), and sub-section (ii) to "Lieutenant and."
41 & 42 Vict. c. 75. -	The Arranmore Polling District Act, 1878. In part; namely,— Preamble. Section two, the words "from and after the passing of this Act."
41 & 42 Vict. c. 76. -	The Telegraph Act, 1878. In part; namely,— Section ten, sub-section one. Section eleven, to "time being" where those words first occur, and the words "for the time being" wherever they occur.
41 & 42 Vict. c. 77. -	The Highways and Locomotives (Amendment) Act, 1878. In part; namely,— Preamble. Section thirteen, from "and one-half of" to the end of the section. Section sixteen, to "subject as aforesaid" and the words "ought not to become or." Section twenty-eight, to "enacted that." Section thirty, to "enacted that." Section thirty-one, to "enacted that." Section thirty-six, the definition of Summary Jurisdiction Acts.

Reign and Chapter.	Title.
41 & 42 Vict. c. 78. -	The Education (Scotland) Act, 1878. In part; namely,— Section three. Section five, the words "after the commencement of this Act"; in sub-section (1) the word "or"; and sub-section two. Section six, to "Act" where it first occurs. Section twenty-four, the words "from and after the passing of this Act." Section thirty-one, the words "said Commissioners of Her Majesty's."
41 & 42 Vict. c. 79. -	The Statute Law Revision Act, 1878. In part; namely,— Sections two and three. Schedules.
42 & 43 Vict. c. 2. -	The Consolidated Fund (No. 1) Act, 1879.
42 & 43 Vict. c. 3. -	The Exchequer Bonds (No. 1) Act, 1879.
42 & 43 Vict. c. 4. -	The Mutiny Act (Temporary) Continuance Act, 1879.
42 & 43 Vict. c. 5. -	The Marine Mutiny Act (Temporary) Continuance Act, 1879.
42 & 43 Vict. c. 6. -	The District Auditors Act, 1879. In part; namely,— Preamble. Section two, to "cease, and." Section eight, so far as relates to the Treasury. Sections nine and ten. Section eleven, to "repealed; and." Section twelve, from "any sum in respect" to "or from recovering," the words "incurred or" and the word "hereafter." Second Schedule.
42 & 43 Vict. c. 7. -	The Consolidated Fund (No. 2) Act, 1879.
42 & 43 Vict. c. 8. -	The Registration of Births, Deaths, and Marriages (Army) Act, 1879. In part; namely,— Section five.
42 & 43 Vict. c. 11. -	The Bankers' Books Evidence Act, 1879. In part; namely,— Section two.
42 & 43 Vict. c. 13. -	An Act to amend the Act thirty-third and thirty-fourth Victoria, chapter forty-two, for the abolition of Petty Customs.
42 & 43 Vict. c. 14. -	The Consolidated Fund (No. 3) Act, 1879.

Reign and Chapter.	Title.
42 & 43 Vict. c. 16. -	The West India Loan Act, 1879.
42 & 43 Vict. c. 17. -	The House of Commons Costs Taxation Act, 1879. In part; namely,— Preamble.
42 & 43 Vict. c. 18. -	The Racecourses Licensing Act, 1879. In part; namely,— Preamble. Section two, to "eighty." Section five, from "after" to "eighty." Section six, from "after" to "eighty."
42 & 43 Vict c. 19. -	The Habitual Drunkards Act, 1879. In part; namely,— Section two. Section three, from "The expression" where those words first occur, to "Acts amending the same." Section thirteen, the words "Commissioners of Her Majesty's" wherever they occur. Section thirty, the words "general or," and sub-sections (2) to (5). Section thirty-five, from "to the court" to "circuit courts," and from "at Edinburgh" to "be made."
42 & 43 Vict. c. 20. -	The Consolidated Fund (No. 4) Act, 1879.
42 & 43 Vict. c. 21. -	The Customs and Inland Revenue Act, 1879. In part; namely,— Preamble. Section two. Section three, to "Act, 1876" and from "on and after" to "seventy-nine." Section four. Section fourteen, from "and the several" to the end of the section. Sections fifteen to seventeen.
42 & 43 Vict. c. 22. -	The Prosecution of Offences Act, 1879. In part; namely,— Preamble. Section nine so far as relates to the Treasury and Secretary of State. Section ten.
42 & 43 Vict. c. 23. -	The Hares Preservation (Ireland) Act, 1879. In part; namely,— Preamble.
42 & 43 Vict. c. 24. -	The Statute Law Revision (Ireland) Act, 1879. In part; namely,— Preamble. Schedule.
42 & 43 Vict. c. 25. -	The Dispensary Houses (Ireland) Act, 1879. In part; namely,— Preamble. The words "Commissioners of Her Majesty's in sections three and six

Reign and Chapter.	Title.
42 & 43 Vict. c. 26. -	The Salmon Fishery Law Amendment Act, 1879. In part; namely,— Preamble.
42 & 43 Vict c. 27. -	The Convention of Royal Burghs (Scotland) Act, 1879. In part; namely,— Preamble. Schedule.
42 & 43 Vict. c. 28. -	The Convention (Ireland) Act Repeal Act, 1879. In part; namely,— Title, from "to repeal" to "Third, and." Section one.
42 & 43 Vict. c. 30. -	The Sale of Food and Drugs Act Amendment Act, 1879. In part; namely,— Section eight.
42 & 43 Vict. c 32. -	The Army Discipline and Regulation (Commencement) Act, 1879. In part; namely,— The whole Act, except section six.
42 & 43 Vict. c. 34. -	The Children's Dangerous Performances Act, 1879. In part; namely,— Preamble. Section two Section three, to "of this Act."
42 & 43 Vict. c. 35. -	The Public Loans Remission Act, 1879.
42 & 43 Vict. c. 36. -	The Customs Buildings Act, 1879. In part; namely,— Section two, from "the Commissioners" where those words thirdly occur, to "called." Section six, the words "Commissioners of the" and "Her heirs or successors." Section seven.
42 & 43 Vict. c. 38. -	The Slave Trade (East African Courts) Act, 1879. In part; namely,— Section two, to "as follows," and from "so much to the end of the section. Section three, to "as follows."
42 & 43 Vict. c. 39. -	The Highway Accounts Returns Act, 1879. In part; namely,— Preamble. Section three. Schedule.
42 & 43 Vict. c. 40. -	The Conveyancing (Scotland) Act, 1879. In part; namely,— Preamble. Section two. Section three, the words "from and after the commencement of this Act." Section four.

Reign and Chapter.	Title.
42 & 43 Vict. c. 42. -	The Valuation of Lands (Scotland) Amendment Act, 1879. In part; namely,— Preamble. Section two. Section four, to "Act," from "to the Commissioners" to "county, but" and from "a standing" to "to be called." Section five, sub-section (1) from "at their statutory" to "adjournment thereof," and sub-sections (4), (6), and (7).
42 & 43 Vict. c 43. -	An Act the title of which begins with the words "An Act to make" and ends with the words "that Act." In part; namely,— Preamble. Section one. Section four, to "this Act."
42 & 43 Vict c. 44 -	The Lord Clerk Register (Scotland) Act, 1879. In part; namely,— Section one, to "this Act." Section five, to "Esquire" and the words "her heirs and successors." Section eight, the words "Commissioners of Her Majesty's" twice occurring, and "from and after the passing of this Act." Section twelve.
42 & 43 Vict c. 46. -	The Annual Turnpike Acts Continuance Act, 1879.
42 & 43 Vict c. 47. -	The Petroleum Act, 1879. In part; namely,— Section two, to "therefore enacted that." Section four to six. Second Schedule
42 & 43 Vict. c. 48. -	The Elementary Education (Industrial Schools) Act, 1879. In part; namely,— Preamble. Section one, from "This Act and" to the end of the section
42 & 43 Vict. c. 49. -	The Summary Jurisdiction Act, 1879. In part; namely,— Section three. Section forty-nine, so far as relates to the expression Secretary of State. Section fifty-five, to "had not been enacted." Second Schedule
42 & 43 Vict. c. 50. -	The Bills of Sale (Ireland) Act, 1879. In part; namely,— Preamble. Section two, to "operation on" and the words "which day." Section twenty-three, to "be repealed."

Reign and Chapter.	Title.
42 & 43 Vict. c. 51.	The Appropriation Act, 1879.
42 & 43 Vict. c. 53.	The Municipal Elections (Ireland) Act, 1879. In part; namely,— Section three.
42 & 43 Vict. c. 54.	The Poor Law Act, 1879. In part; namely,— Section three. Section five, to "as follows." Section seven, to "as follows." Section ten, to "as follows." Section twelve, to "as follows."
42 & 43 Vict. c. 55.	The Prevention of Crime Act, 1879. In part; namely,— Section one. Section two, to "therefore enacted as follows." Section three.
42 & 43 Vict. c. 56.	The Regulation of Railways Acts, 1873 and 1874, Continuance Act, 1879.
42 & 43 Vict. c. 58.	The Public Offices Fees Act, 1879. In part; namely,— Section two, from the "Commissioners" to "referred to as." Section eight, to "repealed; and."
42 & 43 Vict. c. 59.	The Civil Procedure Acts Repeal Act, 1879. In part; namely,— Preamble. Section three to "Act." Schedule.
42 & 43 Vict. c. 60.	An Act the title of which begins with the words "An Act to enable" and ends with the words "of India." In part; namely.— Preamble. Section one, from "at any time" to "this Act." Section nine, to "such capital stock." Section sixteen.
42 & 43 Vict. c. 62.	The Exchequer Bills and Bonds Act, 1879.
42 & 43 Vict. c. 65.	The University Education (Ireland) Act, 1879. In part; namely,— Preamble. Section five, from "at their" to "afterwards." Section six, to "Majesty." Section nine, to "enacted that" and the words "or other Chief Governor or Governors of Ireland" twice occurring. Section ten, from "or other" to "of Ireland." Section eleven, to "confer degrees." Section twelve, the words "on the dissolution of the Queen's University."

Reign and Chapter.	Title.
42 & 43 Vict. c. 66. -	The Endowed Schools Acts Continuance Act, 1879.
42 & 43 Vict. c. 67. -	The Expiring Laws Continuance Act, 1879.
42 & 43 Vict. c. 68. -	The Metropolitan Board of Works Indemnity Act, 1879.
42 & 43 Vict c. 70. -	The Vaccination Amendment (Ireland) Act, 1879. In part; namely,— Section three, the words "after the passing of this Act." Section six, to "repealed; and." Section thirteen. Second Schedule.
42 & 43 Vict. c. 71.	The Registry Courts (Ireland) Amendment Act, 1879. Preamble. Section three.
42 & 43 Vict. c. 72. -	The Shipping Casualties Investigations Act, 1879. In part; namely,— Section two, the words "the High Court of Admiralty or." Section three, sub-section (4). Section five.
42 & 43 Vict. c. 73. -	The Commissioners of Woods (Thames Piers) Act, 1879. In part; namely,— Title, the words "Her Majesty's" and "and Forests and Land Revenues." Preamble. Section two, the words "Commissioners of Her Majesty's" and the word "hereafter."
42 & 43 Vict. c. 74. -	The National School Teachers (Ireland) Act, 1879. In part; namely,— Preamble. Section one, from "and shall" to the end of the section. Section two, so far as relates to the Lord Lieutenant and the Treasury. Section eight, the words "Commissioners of Her Majesty's." Section nine, to "this Act." Section ten, to "this Act." Section twelve.
42 & 43 Vict. c. 76. -	The Companies Act, 1879. In part; namely,— Section three, from "and those Acts" to the end of the section. Section six, to "as follows."
42 & 43 Vict. c. 77. -	The Public Works Loans Act, 1879. In part; namely,— Preamble Section two, the words "Lords Commissioners of the." Section four, the words "Commissioners of Her Majesty's." Section five. Sections nine, ten, and eleven. Schedule.

Reign and Chapter.	Title.
42 & 43 Vict. c. 78. -	The Supreme Court of Judicature (Officers) Act, 1879. In part; namely,— Section two. Section six, from "the existing record" to "respective offices." Section seven, from "Provided that" to the end of the section. Section eight, sub-section (1), in sub-section (2) the words "the existing Queen's coroner and attorney and" and "other than the Queen's coroner and attorney"; sub-section (3). Section fourteen, sub-sections (1) and (2) Section twenty-nine, to end of sub-section (1), and sub-section (3). First Schedule, First and Second Parts. Second Schedule.
43 Vict. c. 1. - -	The Seed Supply (Ireland) Act, 1880. In part; namely,— Section three, the words "Commissioners of Her Majesty's." Sections eight to ten, and fourteen.
43 Vict. c. 3. - -	The Indian Salaries and Allowances Act, 1880. In part; namely,— Section five. Second Schedule.
43 Vict. c. 4. - -	The Relief of Distress (Ireland) Act, 1880. In part; namely,— Section two, the definition of Lord Lieutenant. Section three. The words "Commissioners of the" in sections six, thirteen, seventeen, and nineteen. Section eight Section eighteen, the words "Commissioners of Her Majesty's." Section twenty-one.
43 Vict. c. 5. - -	The Consolidated Fund (No. 1) Act, 1880.
43 Vict. c. 6. - -	The Beer Dealers Retail Licences Act, 1880. In part; namely,— Preamble, from "and it is expedient." Section one, to "aforesaid; and." Section two, to "thenceforth."
43 Vict. c. 7. - -	An Act to amend the Law in regard to charging Road Debts on Entailed Estates in Scotland. In part; namely,— Preamble.
43 Vict. c. 9. - -	The Army Discipline and Regulation (Annual) Act, 1880.

Reign and Chapter.	Title.
43 Vict. c. 10 - -	The East India Loan (East Indian Railway Debentures) Act, 1880. In part; namely,— Preamble.
43 Vict. c. 11. - -	The India Stock (Powers of Attorney) Act, 1880. In part; namely,— Preamble.
43 Vict. c. 13. -	The Appropriation Act, 1880.
43 Vict. c. 14. - -	The Customs and Inland Revenue Act, 1880. In part; namely,— Preamble. Section two. Sections four to seven. Section ten, sub-section (1), from "in conformity" to "eighty-four," sub-section (3), from "in conformity" to the end of the sub-section, and in sub-section (4) the words "Commissioners of Her Majesty's."
43 Vict. c. 16. - -	The Exchequer Bills and Bonds Act, 1880.
43 Vict. c. 17. - -	The Town Councils and Local Boards Act, 1880. In part; namely,— Section one, sub-section (2), paragraph (a), and the whole Act except as to Ireland.
43 Vict. c. 18. - -	The Parliamentary Elections and Corrupt Practices Act, 1880. In part; namely,— Title, from "the Conveyance" to "Practices at" and the words "and the Acts relating to Election Petitions." Preamble.
43 Vict. c. 19. - -	The Companies Act, 1880. In part; namely,— Section two, from "and the said" to the end of the section.
43 & 44 Vict. c. 1. -	The Public Works Loans Act, 1880. In part; namely,— The whole Act except section three. Section three, to "as follows," and the words "Commissioners of Her Majesty's."
43 & 44 Vict. c. 2. -	The Glebe Loan (Ireland) Acts Amendment Act, 1880.
43 & 44 Vict. c. 3. -	The Consolidated Fund (No. 1) Act, 1880 (Session 2).

Reign and Chapter.	Title.
43 & 44 Vict. c. 4. -	The Judicial Factors (Scotland) Act, 1880. In part; namely,— Preamble. Section two. Section four, to "Act" where first occurring. Section six, from "into the fee" to "recited Act" and the words "out of the said fee fund."
43 & 44 Vict. c. 5. -	The County Bridges Loans Extension Act, 1880 In part; namely,— Section two, the words "on mortgage of the county rate," and from "in the same manner" to the end of the section.
43 & 44 Vict. c. 6. -	The House Occupiers in Counties Disqualification Removal Act, 1880. In part; namely,— Preamble. Section two, to "this Act."
43 & 44 Vict. c. 7. -	The Union Assessment Act, 1880. In part; namely,— Preamble.
43 & 44 Vict. c. 8. -	The Isle of Man Loans Act, 1880. In part; namely,— Preamble. Section eleven. Second Schedule.
43 & 44 Vict. c. 9. -	The Statutes (Definition of Time) Act, 1880. In part; namely,— Preamble.
43 & 44 Vict. c. 10 -	The Great Seal Act, 1880. In part; namely,— Sections two and six. Section four, to "as follows."
43 & 44 Vict. c. 11. -	The Universities of Oxford and Cambridge (Limited Tenures) Act, 1880.
43 & 44 Vict. c. 12. -	The Annual Turnpikes Acts Continuance Act, 1880.
43 & 44 Vict. c. 13. -	The Births and Deaths Registration (Ireland) Act, 1880. In part; namely,— Preamble. The words "after the commencement of this Act" in sections nine and ten. Section thirty, from "or to imprisonment" to "two years." Section forty-two, from "and that Act" to the end of the section. Section forty-four. Fourth Schedule,

Reign and Chapter.	Title.
43 & 44 Vict. c. 14. -	The Relief of Distress (Ireland) Amendment Act, 1880. In part; namely,— Section nine. Sections eleven and twelve. Section sixteen, the definition of Lord Lieutenant.
43 & 44 Vict. c. 15. -	The Industrial Schools Act Amendment Act, 1880. In part; namely,— Preamble.
43 & 44 Vict. c. 16. -	The Merchant Seamen (Payment of Wages and Rating) Act, 1880. In part; namely,— Section one, from "and those Acts" to the end of the section. Section ten, the words "from the commencement of this Act." Section eleven, to "said Act; and." Section twelve. Second Schedule.
43 & 44 Vict. c. 17. -	The Revenue Offices (Scotland) Holidays Act, 1880. In part; namely,— Section one, to "Act" where first occurring, and from "and the anniversary" to the end of the section.
43 & 44 Vict. c. 18. -	The Merchant Shipping Act, 1854, Amendment Act, 1880. In part; namely,— Preamble. Section two, to "enacted that."
43 & 44 Vict. c. 19. -	The Taxes Management Act, 1880. In part; namely,— Section three. Section four, sub-sections (1) and (2). Section five, from "the Income Tax Act, 1842," where those words last occur, to the end of sub-section (1). Section twenty, sub-sections (1) to (6). Section forty-one, sub-section (2). Section forty-seven. Section eighty. First and Third Schedules.
43 & 44 Vict. c. 20. -	The Inland Revenue Act, 1880. In part; namely,— Title, the words "to repeal the duties on Malt." Preamble. Sections three to nine. Section ten, to "eighty" and the words "her heirs and successors." Section eleven, to "eighty" and the words "her heirs and successors." Section thirty-six, to "eighty." Section forty-one, to "now payable."

Reign and Chapter.	Title.
43 & 44 Vict. c. 20.—*cont.*	Section forty-two, to "eighty." Section forty-three, to "now payable." Sections forty-nine to fifty-one. Section fifty-seven, the words "after the passing of this Act." Second Schedule.
43 & 44 Vict. c. 21. -	The Exchequer Bills and Bonds Act, 1880 (Session 2).
43 & 44 Vict. c. 22. -	The Merchant Shipping (Fees and Expenses) Act, 1880. In part; namely,— Section one, from "and together" to the end of the section. Section two. Section three, to "as follows." Section seven.
43 & 44 Vict. c. 23. -	The Elementary Education Act, 1880. In part; namely,— Preamble. Section one, from "and that Act" to the end of the section Section two, from "after the thirty-first" to "eighty" and from "Provided that" to the end of the section. Section four, from "Provided that" to the end of the section. Section six. Schedule.
43 & 44 Vict. c. 24. -	The Spirits Act, 1880. In part; namely,— Section two. The words "Scotland or" in sections one hundred and forty-four and one hundred and forty-five. Section one hundred and forty-six, from "in Scotland" to "pounds or." Section one hundred and sixty-four, to "Provided that," and from "and this repeal" to the end of the section. Fifth Schedule.
43 & 44 Vict. c. 26. -	The Married Women's Policies of Assurance (Scotland) Act, 1880. In part; namely,— Preamble.
43 & 44 Vict. c. 27. -	The Drainage and Improvement of Lands (Ireland) Act, 1880. In part; namely,— Section one, from "and together" to the end of the section. Section two, to "of this Act."
43 & 44 Vict. c. 28. -	An Act for taking the Census in Ireland.

Reign and Chapter.	Title.
43 & 44 Vict. c. 29. -	The Courts of Justice Building Amendment Act, 1880.
43 & 44 Vict. c. 30. -	The Consolidated Fund (No. 2) Act, 1880 (Session 2).
43 & 44 Vict. c. 31. -	The Railways Construction Amendment (Ireland) Act, 1880.
43 & 44 Vict. c. 33. -	The Post Office (Money Orders) Act, 1880. In part; namely,— Preamble. Section four, sub-section (4) from "that is to say" to "ninety-eight." Section seven, from "The Act" to the end of the section.
43 & 44 Vict. c. 34. -	The Debtors (Scotland) Act, 1880. In part; namely,— Section three. Section four, from "after" to "of this Act." Section five.
43 & 44 Vict. c. 35. -	The Wild Birds Protection Act, 1880. In part; namely,— Preamble. Section two, the words "steward and also" and "and steward substitute." Section three, the words "after the passing of this Act." Section seven.
43 & 44 Vict. c. 36. -	The Savings Banks Act, 1880. In part; namely,— Section one, to "enacted as follows" and the words "after the passing of this Act" and "Governor and Company of the." Section five, so far as relates to the definitions of Postmaster-General, Treasury, and National Debt Commissioners. Section seven. Section eight, from "Each of" to the end of the section. Schedule.
43 & 44 Vict. c. 37. -	The Census Act, 1880.
43 & 44 Vict. c. 38. -	The Census (Scotland) Act, 1880.
43 & 44 Vict. c. 39. -	The County Court Jurisdiction in Lunacy (Ireland) Act, 1880. In part; namely,— Section two, to "Act" where first occurring.
43 & 44 Vict. c. 40. -	The Appropriation Act, 1880 (Session 2).

Reign and Chapter.	Title
43 & 44 Vict c 41. -	The Burial Laws Amendment Act, 1880. In part; namely,— Preamble Section one, the words "After the passing of this Act." Section thirteen, to "this Act."
43 & 44 Vict. c. 42. -	The Employers Liability Act, 1880. In part; namely,— Section one, the words "after the commencement of this Act" Section nine
43 & 44 Vict. c. 43 -	The Merchant Shipping (Carriage of Grain) Act, 1880. In part; namely,— Section one, from "and together" to the end of the section. Section two. Section eleven.
43 & 44 Vict. c. 46. -	The Universities and College Estates Amendment Act, 1880. In part; namely,— Preamble. Section one, from "and this Act" to the end of the section. Section five, to "enacted that" and the words "for England." Schedule, the words "Governor and Company of the" twice occurring.
43 & 44 Vict. c. 47 -	The Ground Game Act, 1880. In part; namely,— Preamble Section five, from "For the purposes" to "date of the passing of this Act"
43 & 44 Vict. c. 48. -	The Expiring Laws Continuance Act, 1880.
44 & 45 Vict. c. 1. -	The Consolidated Fund (No 1) Act, 1881.
44 & 45 Vict. c. 2.	The Burial and Registration Acts (Doubts Removal) Act, 1881. In part; namely,— Preamble.
44 & 45 Vict. c. 3. -	The Judicial Committee Act, 1881 In part, namely,— Preamble.
44 & 45 Vict. c. 4 -	An Act for the better Protection of Person and Property in Ireland.

Reign and Chapter.	Title.
44 & 45 Vict. c. 5. -	The Peace Preservation (Ireland) Act, 1881. In part; namely,— Section four, the words "to the Lord Lieutenant." Section five, from "and elsewhere" to the end of the section. Section six, from "the expression Lord" to "time being." Section eight.
44 & 45 Vict. c. 6. -	The Local Taxation Returns (Scotland) Act, 1881. In part; namely,— Preamble. Section two, from "The first" to "year."
44 & 45 Vict. c. 8. -	The Consolidated Fund (No. 2) Act, 1881.
44 & 45 Vict. c. 9. -	The Army Discipline and Regulation (Annual) Act, 1881.
44 & 45 Vict. c. 10. -	The Inland Revenue Buildings Act, 1881. In part; namely,— Section two, the words "her heirs and successors" and from "Commissioners" where secondly occurring to "called the." Section six, the words "Her Majesty's" where first occurring, and "Commissioners of Her Majesty's."
44 & 45 Vict. c. 11. -	The Sea Fisheries (Clam and Bait Beds) Act, 1881. In part; namely,— Section three, from "The justices" to "in Scotland."
44 & 45 Vict. c. 12. -	The Customs and Inland Revenue Act, 1881. In part; namely,— Preamble. Section two. Section three, to "Tariff Act, 1876." Section fourteen, to "eighty-one." Section eighteen, the words "Commissioners of Her Majesty's." Sections nineteen to twenty-two. Section twenty-seven, to "inventories in Scotland." Section twenty-eight, to "eighty-one." Section twenty-nine, the words "Commissioners of Her Majesty's." Section forty-eight. Schedule.
44 & 45 Vict. c. 13. -	The Municipal Elections Amendment (Scotland) Act. 1881. In part; namely,— Preamble. Section six.
44 & 45 Vict. c. 14. -	The South Wales Bridges Act, 1881. In part; namely,— Preamble. Sections three and four.

Reign and Chapter.	Title.
44 & 45 Vict. c. 15. -	The Consolidated Fund (No. 3) Act, 1881.
44 & 45 Vict. c. 17. -	The Tramways (Ireland) Amendment Act, 1881. In part; namely,— Preamble. Section three, from "or other" to "time being." Section four, to "this Act." Section six, to "this Act."
44 & 45 Vict. c. 18. -	The Petty Sessions Clerks (Ireland) Act, 1881. In part; namely,— Preamble. Section one, the words "after the passing of this Act." Section two, from "or Lords" to "of Ireland."
44 & 45 Vict. c. 19. -	An Act for further regulating the Transmission of Newspapers. In part; namely,— Section two, to "repealed, but."
44 & 45 Vict. c. 20. -	The Post Office (Land) Act, 1881. In part; namely,— Section one, the second paragraph. Section two. Section three, to "as follows." Section five, the second paragraph. Section eight, so far as relates to the Treasury. Schedule.
44 & 45 Vict. c. 21. -	The Married Women's Property Act, 1881. In part; namely,— Preamble. The words "after the passing of this Act" in sections six and seven.
44 & 45 Vict. c. 22. -	The Bankruptcy and Cessio (Scotland) Act, 1881. In part; namely,— Section three.
44 & 45 Vict. c. 23. -	The Court of Bankruptcy (Ireland) Officers and Clerks Act, 1881. In part; namely,— The words "the Commissioners of" in sections two and three. Section two, to "repealed. But" and the words "Commissioners of Her Majesty's" and "Commissioners of the." Section three, the words "the Commissioners of."
44 & 45 Vict. c. 24. -	The Summary Jurisdiction (Process) Act, 1881. In part; namely,— Section three. Section eight, so far as it defines the Summary Jurisdiction Acts.

Reign and Chapter.	Title.
44 & 45 Vict. c. 25. -	The Incumbents of Benefices Loans Extension Act, 1881. In part; namely,— Section one so far as it authorises the extension of the term fixed for the repayment of any money. Section two, to "hereof and."
44 & 45 Vict. c. 28. -	The Local Government Board (Ireland) Amendment Act, 1881. In part; namely,— Sections one and two.
44 & 45 Vict. c. 29. -	The Reformatory Institution (Ireland) Act, 1881. In part; namely,— Preamble.
44 & 45 Vict. c. 30. -	The Customs (Officers) Act, 1881. In part; namely,— Preamble. Section two, the words "Commissioners of Her Majesty's" where secondly occurring.
44 & 45 Vict. c. 31. -	The Annual Turnpike Acts Continuance Act, 1881.
44 & 45 Vict. c. 32. -	The Public Loans (Ireland) Remission Act, 1881.
44 & 45 Vict. c. 33. -	The Summary Jurisdiction (Scotland) Act, 1881. In part; namely,— Preamble. Section two. Section three, from "and the thirty-second" to "repealed." Section nine, the words "at Edinburgh or on circuit." Section eleven, from "And the twenty-fifth" to the end of the section.
44 & 45 Vict. c. 34. -	The Metropolitan Open Spaces Act, 1881. In part; namely,— Preamble.
44 & 45 Vict. c. 35.	An Act to amend the Law relating to Coroners in Ireland. In part; namely,— Section one. Section two, to "this Act." Section three, to "eighty-one." Section four, to "authorises," and from "to continue" to "such polling." Section five, to "this Act."
44 & 45 Vict. c. 36. -	The British Honduras (Court of Appeal) Act, 1881. In part; namely,— Preamble. Section one, to "appointed by any such Order." Repealed as to all Her Majesty's Dominions.

Reign and Chapter.	Title.
44 & 45 Vict. c. 37. -	The Alkali, &c., Works Regulation Act, 1881. In part; namely,— Section two. Section eleven, the words "after the first day of April, 1882." Section fourteen, from "at any time" to "Act, and" where those words next occur, the words "Commissioners of Her Majesty's" twice occurring, and from "The inspector" to "appointed under this Act." Section nineteen, the words "Commissioners of Her Majesty's." Section thirty.
44 & 45 Vict. c. 38. -	The Public Works Loans Act, 1881. In part; namely,— Preamble. Sections two to five. Section ten, to "shall cease," and from "in lieu" to "cease and." Section eleven, to "as follows." Sections fourteen and fifteen.
44 & 45 Vict. c. 40. -	The Universities Elections Amendment (Scotland) Act, 1881. In part; namely,— Preamble. Section two, to "enacted that' and the words "on and after the passing of this Act" twice occurring, and sub-section (19).
44 & 45 Vict. c. 41. -	The Conveyancing and Law of Property Act, 1881. In part; namely,— Section fourteen, sub-section (7). Section twenty-five, sub-section (6). Section thirty, sub-section (2), and in sub-section (3) the words "including the repeals therein." Section sixty-eight. Section sixty-nine, sub-section (10). Section seventy, the words "notwithstanding the exception in section forty of that Act." Section seventy-one. Section seventy-two, sub-section (5), from "at any time" to the end of the section. First Schedule. Second Schedule.
44 & 45 Vict. c. 42. -	The Corrupt Practices (Suspension of Elections) Act, 1881.
44 & 45 Vict. c. 45. -	The Pedlars Act, 1881. In part; namely,— Preamble. Section two, the second paragraph. Schedule.

Reign and Chapter.	Title.
44 & 45 Vict. c. 46. -	The Patriotic Fund Act, 1881. In part; namely,— Preamble. Section five, the words "Commissioners of Her Majesty's."
44 & 45 Vict. c. 49. -	The Land Law (Ireland) Act, 1881. In part; namely,— Section six, to "herein-after mentioned," and from "From and after" to the end of the section. Section twenty-one, from "In any case in which" to the end of the section. Section thirty-nine, from "Notwithstanding" to the end of the section. Section forty-one, from "The first judicial" to "O'Hagan." Section forty-seven, from "The twenty-fourth" to the end of the section. Section fifty-five, from "after" to "eighty-one." Section fifty-seven, so far as relates to the definition of Lord Lieutenant and Treasury. Section fifty-nine, except as to any existing charge and the repayment of any outstanding advance.
44 & 45 Vict. c. 50. -	The Consolidated Fund (No. 4) Act, 1881.
44 & 45 Vict. c. 51. -	The Wild Birds Protection Act, 1881. In part; namely,— Preamble. Section one, to "have effect."
44 & 45 Vict. c. 52. -	The Royal University of Ireland Act, 1881. In part; namely,— Section one, the words "From and after the passing of this Act," from "the sums following" to "thereafter" and from "the payment" to "of this Act."
44 & 45 Vict. c. 53. -	The East Indian Railway (Redemption of Annuities) Act, 1881. In part; namely,— Preamble.
44 & 45 Vict. c. 54. -	The Indian Loan Act, 1881.
44 & 45 Vict. c. 55. -	The National Debt Act, 1881 In part; namely,— Preamble. Section six, from "The expression Treasury" to "England" where that word last occurs.
44 & 45 Vict. c. 56. -	The Appropriation Act, 1881:

Reign and Chapter.	Title.
44 & 45 Vict. c. 57. -	The Regulation of the Forces Act, 1881. In part; namely,— Section fifty-two. Section fifty-four, to "Provided that" and sub-sections (*b*) and (*d*). Section fifty-five, to "as follows." Schedule.
44 & 45 Vict. c. 58. -	The Army Act. In part; namely,— Section one hundred and ninety, so far as it defines "Secretary of State, Lord Lieutenant of Ireland, and Summary Jurisdiction Acts," and in sub-section (35), paragraphs (*a*) and (*b*).
44 & 45 Vict. c. 59. -	The Statute Law Revision and Civil Procedure Act, 1881. In part; namely,— Schedule.
44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881. In part; namely,— Preamble. Section nine, from "on or before" to "annually." Section seventeen.
44 & 45 Vict. c. 61. -	The Sunday Closing (Wales) Act, 1881. In part; namely,— Preamble. Section three.
44 & 45 Vict. c. 62. -	The Veterinary Surgeons' Act, 1881. In part; namely,— Preamble. Section sixteen, the words "after the passing of this Act." Section seventeen, from "after the thirty-first" to "eighty-three," and the words "from and after the same day." Section nineteen, from "Act, 1848" to "either of those."
44 & 45 Vict. c. 63. -	The India Office Auditor Act, 1881. In part; namely,— Preamble.
44 & 45 Vict. c. 64. -	The Central Criminal Court (Prisons) Act, 1881. In part; namely,— Preamble. Section two, sub-section (5), from "So much of section nine" to the end of the sub-section. Section three, the first paragraph.
44 & 45 Vict. c. 65. -	The Leases for Schools (Ireland) Act, 1881. In part; namely,— Preamble. Section two, the words "and her successors" and "and Forests."

Reign and Chapter.	Title.
44 & 45 Vict. c. 66. -	The Pollen Fishing (Ireland) Act, 1881. In part; namely,— Section one, to "Act" where that word first occurs, and from "During the open" to "and eighty."
44 & 45 Vict. c. 67. -	The Petroleum (Hawkers) Act, 1881. In part; namely,— Section three, the words "either before or after the passing of this Act."
44 & 45 Vict. c. 68. -	The Supreme Court of Judicature Act, 1881. In part; namely,— Preamble. Section two, to "present and" the word "future," from "cease to be" to "shall continue," the word "to" where it next occurs, from "the present Master" to "Provided also that." Section three, to "up, and." Section five, from "immediately" to "Act, and," and the word "afterwards." Section eight, to "enacted that." Section thirteen, from "The judges who" to "Act had not passed," and the words "whether before or after the passing of this Act." Section fifteen, from "notwithstanding" to "Exchequer." Section twenty-six, from "And whereas the present" to "abolished," and from "by the present" to "to that office." Section twenty-seven.
44 & 45 Vict. c. 69. -	The Fugitive Offenders Act, 1881. In part; namely,— Section eleven, from "or Lords" to "Ireland," and the words "of such Lord Lieutenant." Section thirty-nine, so far as it defines Secretary of State. Sections forty and forty-one. Schedule.
44 & 45 Vict. c. 70. -	The Expiring Laws Continuance Act, 1881.
44 & 45 Vict. c. 71. -	The Irish Church Act Amendment Act, 1881. In part; namely,— Section two, to "said Corporation," and the words "them as," from "Provided always" to the end of sub-section (1), and the words "Governor and Company of the" in sub-section (2). Section three, from "Notwithstanding" to "Commission" where that word secondly occurs thereafter.

SECOND SCHEDULE.

Reign and Chapter.	Title.
7 Will. 4. & 1 Vict. c. 41.	The Small Debt (Scotland) Act, 1837. In part; namely,— Section twenty-nine.
4 & 5 Vict. c. 10. -	An Act the title of which begins with the words "An Act for extending" and ends with the words "of Houses." In part; namely,— Preamble. The words "and be it enacted" in sections two and three.

CHAPTER 57.

An Act to consolidate the Contagious Diseases (Animals) Acts, 1878 to 1893. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Central and Local Authorities.

Powers of Board of Agriculture in England, Wales, and Scotland. 52 & 53 Vict. c. 30.

1. The powers and duties conferred and imposed by this Act on the Board of Agriculture as regards England and Wales and Scotland, shall be executed and discharged by the Board in manner provided by the Board of Agriculture Act, 1889, and this Act.

Local authorities to execute Act.

2. The local authorities in this Act described shall execute and enforce this Act and every order of the Board of Agriculture so far as the same are to be executed or enforced by local authorities.

Local authorities in England and Wales. 51 & 52 Vict. c. 41.

3. The local authorities in England and Wales shall be—

(i) for each borough not being a borough to which section thirty-nine of the Local Government Act, 1888, applies, the borough council;

(ii) for the residue of each administrative county, the county council.

Provided that the mayor and commonalty and citizens of the city of London, acting by the mayor, aldermen, and commons of that city in common council assembled, shall be the local authority for the city of London, and shall be the local authority in and for the county of London for the purpose of the provisions of this Act relating to foreign animals.

Separation of Diseased Animals and Notice to Police.

Separation of diseased animals, and notice to constable.

4.—(1.) Every person having in his possession or under his charge an animal affected with disease shall—

(*a*) as far as practicable keep that animal separate from animals not so affected; and

(*b*) with all practicable speed give notice of the fact of the animal being so affected to a constable of the police force for the police area wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Board of Agriculture by general order direct.

(3.) The Board may make such orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Cattle Plague.

Cattle plague infected place.

5.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Board of Agriculture.

(4.) The inspector shall serve a like notice, signed by him, unless in the circumstances this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies, in his judgment, within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the place infected with cattle plague, subject to the determination and declaration of the Board.

(6.) The inspector shall, with all practicable speed, inform the Board and the local authority of his declaration and notices, and shall send to the Board his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Board shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Board are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Board are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

(10) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

(*a*) declare any cow-shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague; or

(*b*) extend, contract, or otherwise alter the limits of a place infected with cattle plague; or

(*c*) declare a place infected with cattle plague or any part thereof to be free from cattle plague.

Cattle plague infected area.

6. The Board of Agriculture may at any time, if they think fit, by order—

(*a*) declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague; or

(*b*) extend, contract, or otherwise alter the limits of an area infected with cattle plague; or

(*c*) declare an area infected with cattle plague or any part thereof to be free from cattle plague.

Slaughter by Board of Agriculture in cattle plague, and compensation out of public money.

7.—(1.) The Board of Agriculture shall cause to be slaughtered—

(i) all animals affected with cattle plague, and

(ii) all animals being or having been in the same shed, stable, herd or flock, or in contact with an animal affected with cattle plague.

(2.) The Board may, if they think fit, in any case cause to be slaughtered—

(i) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;

(ii) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury think fit to make).

(3.) The Board shall for animals slaughtered under this section pay compensation as follows, out of money provided by Parliament:—

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed twenty pounds, and

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed forty pounds.

Infected Places, Areas, and Circles for Diseases generally.

Pleuro-pneumonia or foot-and-mouth disease infected place

8.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia or foot-and-mouth disease exists, or has within the period herein-after mentioned existed, in a shed, field, or other place, he shall forthwith make and sign a declaration thereof. For the purposes of this sub-section the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot-and-mouth disease ten days.

(2.) The inspector shall serve a notice, signed by him, of the declaration on the occupier of that shed, field, or other place, and, in the case of foot-and-mouth disease, also on the occupier of any land or buildings contiguous thereto as he may consider necessary.

(3.) Thereupon that shed, field, or other place shall become and be a place infected with pleuro-pneumonia or foot-and-mouth

disease, as the case may be, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority, and shall, with all practicable speed, inform the Board of Agriculture of his declaration and notice, and send a copy of the same to the Board.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice, in the case of pleuro-pneumonia, and if so required by order of the Board in the case of foot-and-mouth disease, of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot-and-mouth disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia or foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia or foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of pleuro-pneumonia or foot-and-mouth disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in the order, the shed, field, or other place to which the inspector's declaration relates, shall cease to be a place infected with pleuro-pneumonia or foot-and-mouth disease, as the case may be.

(9.) The local authority shall forthwith report to the Board the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, should be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals or any specified kind thereof, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals, or such kind thereof, should be prohibited or restricted by order of the Board.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section of this Act, whereby the Board are required to make, by order, provision respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale yard, or place of

exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

(11.) Where a local authority have declared a place to be infected with pleuro-pneumonia or foot-and-mouth disease, they may, if they think fit, having first obtained the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such, at any time after the expiration of the period hereinafter mentioned from the date of the cessation therein of pleuro-pneumonia or foot-and-mouth disease, but not sooner, declare by order that place to be free from pleuro-pneumonia or foot-and-mouth disease. For the purposes of this sub-section the period shall be in the case of pleuro-pneumonia fifty-six days, and in the case of foot-and-mouth disease fourteen days or such longer period not exceeding twenty-eight days as the Board by general order prescribe.

(12.) The Board may at any time, if they think fit, on any evidence satisfactory to them, by order—

(*a*) declare any shed, field, or other place with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia or foot-and-mouth disease;

(*b*) extend, contract, or otherwise alter the limits of any place infected with pleuro-pneumonia or foot-and-mouth disease declared either by the Board or a local authority; or

(*c*) declare any place which has been declared by the Board or a local authority to be a place infected with pleuro-pneumonia or foot-and-mouth disease, to be free from pleuro-pneumonia or foot-and-mouth disease as the case may be.

Pleuro-pneumonia or foot-and-mouth disease infected area.

9.—(1.) The Board of Agriculture may at any time, if they think fit, on any evidence satisfactory to them by order—

(*a*) declare any area wherein a place infected with pleuro-pneumonia or foot-and-mouth disease is situate to be an area infected with pleuro-pneumonia or foot-and-mouth disease; and

(*b*) extend the limits of an area infected with pleuro-pneumonia or foot-and-mouth disease; and

(*c*) when there is not within an area so declared, or within some particular portion thereof, any place infected with pleuro-pneumonia or foot-and-mouth disease, as the case may be, declare that area or that portion thereof to be free from pleuro-pneumonia or foot-and-mouth disease.

(2.) The Board on making any order declaring an area to be an area infected with pleuro-pneumonia or foot-and-mouth disease shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals or any specified kind thereof, and shall either prohibit the holding thereof accordingly or allow the same to be held on such terms and conditions, if any, as they think fit to prescribe.

General provisions as to infected places and areas.

10.—(1.) The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for

prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area for the purposes of this Act.

(3.) Notwithstanding anything in this Act, where the Board, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Board as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease, or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Board may by order cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or an area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled as regards the place or as regards any part thereof, then, from the time specified in that behalf by the Board or a local authority, as the case may be, the place, or area or that portion of the area or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Board or of a local authority declaring a place to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Movement into, within, or out of infected places and areas in case of pleuro-pneumonia and foot-and-mouth disease.

11.—(1.) Cattle shall not be moved into, within, or out of a place or area infected with pleuro-pneumonia otherwise than in accordance with the conditions contained in Part I. of the First Schedule to this Act.

(2.) Animals shall not be moved into, within, or out of a place or area infected with foot-and-mouth disease otherwise than in accordance with the conditions contained in Part II. of the First Schedule to this Act.

Provisions as to infected circles.

12.—(1.) Where the Board of Agriculture by order declare that this section shall apply in the case of any disease, then, upon any place becoming, in pursuance of a declaration made and signed by an inspector of a local authority, a place infected with that disease, the whole space lying within a distance of half a mile from any part of the infected place shall become and be a circle infected with that disease: Provided that the Board may, if they think fit, limit the application of any such order to infected places in any particular district or districts.

(2.) Where, under or in pursuance of this Act, the place, in respect of which an infected circle has been constituted in pursuance of this section, ceases to be an infected place, the infected circle shall cease to exist.

(3.) The Board may make such orders as they think fit for giving public notice of the existence of, and for contracting, the limits of, and dissolving infected circles, and for prohibiting or regulating the movement of animals into, within, and out of infected circles, or for any of those purposes, or for authorising a local authority to make regulations for those purposes or any of them, subject to such conditions, if any, as the Board think fit to prescribe.

(4.) Where two or more circles infected with the same disease adjoin or overlap each other, the whole of the infected circles shall be deemed for the purpose of the movement of animals under any orders or regulations made in pursuance of this section to be one infected circle.

Power to exclude strangers by notice.

13. A person owning or having charge of any animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the the same without that permission.

Slaughter by Board of Agriculture in case of Pleuro-pneumonia, Foot-and-mouth Disease, or Swine-fever.

Slaughter by Board of Agriculture in pleuro-pneumonia, and compensation.

14.—(1.) The Board of Agriculture shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2.) The Board may, if they think fit, in any case cause to be slaughtered—

(*a*) any cattle suspected of being affected with pleuro-pneumonia; and

(*b*) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Board to have been in any way exposed to the infection of pleuro-pneumonia.

(3.) The Board shall for cattle slaughtered under this section pay compensation as follows:—

(*a*.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of the value of the animal immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds; and

(*b*.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

(4.) Where the Board have decided that any head of cattle is to be slaughtered under this section, the Board shall, if the owner of

such head of cattle by notice in writing so requires, cause the same to be slaughtered within twenty-one days after the receipt of the notice.

(5.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

15.—(1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered—

Slaughter by Board of Agriculture in foot-and-mouth disease, and compensation.

(*a*) any animals affected with foot-and-mouth disease, or suspected of being so affected; and

(*b*) any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot-and-mouth disease, or which appear to the Board to have been in any way exposed to the infection of foot and-mouth disease.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows:—

(i.) Where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain shall be paid by the Board out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

16.—(1.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered—

Slaughter by Board of Agriculture in swine-fever, and compensation.

(*a*) any swine affected with swine-fever, or suspected of being so affected; and

(*b*) any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact with swine affected with swine-fever, or which appear to the Board to have been in any way exposed to the infection of swine-fever.

(2.) The Board shall for animals slaughtered under this section pay compensation as follows:—

(i.) Where the animal slaughtered was affected with swine-fever, the compensation shall be one half of the value of the animal immediately before it became so affected:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered.

(3.) The costs of the execution of this section in Great Britain, including the costs of such measures under this Act as may seem to the Board necessary for preventing the spread of swine-fever, shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

17. The Board of Agriculture may, for the purposes of the execution of the sections of this Act relating to the slaughter by the Board of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, employ such

Additional officers, and expenses for purposes of slaughter.

additional inspectors, valuers, and other persons, and at such remuneration and may incur such expenses as, subject to the sanction of the Treasury, the Board think necessary; and all costs and expenses incurred under this section shall be paid by the Board out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain.

Pleuro-pneumonia Account for Great Britain.

18.—(1.) The account opened at the Bank of England under the provisions of section two of the Contagious Diseases (Animals) Pleuro-pneumonia Act, 1890 (and therein and in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain), is hereby continued, and there shall be paid to the said account—

(*a*) such moneys (not exceeding one hundred and forty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs incurred by the Board of Agriculture in the execution in Great Britain of the provisions of this Act relating to the slaughter of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, and such other costs and expenses as are by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain; and

(*b*) all sums received by the Board on the sale of the carcases of cattle, animals, or swine slaughtered by the Board on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, after deducting any amounts payable thereout as excess to the owners of the cattle, animals, or swine, under this Act.

Provided that of the money provided by Parliament for the Cattle Pleuro-pneumonia Accounts for Great Britain and Ireland not more than fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year.

(2.) If in any financial year the money standing to the Cattle Pleuro-pneumonia Account for Great Britain is insufficient to defray the costs and expenses by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain, the Local Government Board and the Secretary for Scotland shall out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided in the Second Schedule to this Act such additional sums as may be certified by the Board of Agriculture to be required for defraying those costs and expenses.

(3.) The regulations contained in the Second Schedule to this Act shall apply to the Cattle Pleuro-pneumonia Account for Great Britain.

Slaughter in Disease, and Compensation generally.

Power for Board of Agriculture to provide for slaughter in

19. The Board of Agriculture may make such orders as they think fit subject and according to the provisions of this Act for directing or authorising, in case of the existence or suspected existence of any disease other than cattle plague and under such

conditions as the Board think fit to prescribe, the slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases the payment of compensation for the same by local authorities out of the local rate; and the Board may by such orders direct or authorise the slaughter both of animals actually affected with disease, and also of animals suspected of disease, or being or having been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact, with animals affected with disease, or being or having been otherwise exposed to the infection thereof.

diseases other than cattle plague.

20.—(1.) The Board of Agriculture may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Board or of a local authority, but subject to payment of compensation by the Board or the local authority, as the case may be, as in case of actual slaughter.

General provisions relative to slaughter and compensation.

(2.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the carcase of the animal shall belong to the Board or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by the Board or the local authority, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Board or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Board or the local authority, as the case may be, shall pay that excess to the owner, after deducting reasonable expenses.

(4.) Where an animal has been slaughtered under this Act by order of the Board or of a local authority, the Board or the local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Board.

(5.) If the owner of an animal slaughtered under this Act by order of the Board or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep in such manner as the Board by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Board or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in the

judgment of the Board or the local authority, as the case may be, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their judgment, diseased at the time of its landing.

Exceptional Powers for Transit, and in other Cases.

Board of Agriculture to provide for pleuro-pneumonia or foot-and-mouth disease during transit, &c.

21.—(1.) The Board of Agriculture shall, by order, make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i) while exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or

(ii) while placed in a lair or other place before exposure for sale; or

(iii) while in transit or in course of being moved by land or by water; or

(iv) while in a foreign animals wharf or foreign animals quarantine station; or

(v) while being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi) while being on common or uninclosed land; or

(vii) generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Board shall, by orders under this section, make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Board may, by orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected with pleuro-pneumonia or foot-and-mouth disease or relating to any consequence thereof, or to any matter connected herewith, and notwithstanding any other provision whatsoever of this Act.

Disease and Movement, generally.

Power for Board of Agriculture to make orders for prevention or checking of disease, and other purposes.

22. The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:—

(i) for prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;

(ii) for prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area;

(iii) for prescribing and regulating the isolation or separation of animals being in an infected place or area;

(iv) for prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area;

(v) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout;

(vi) for prescribing and regulating the cleansing and disinfection of infected places and areas, or parts thereof;

(vii) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons;

(viii) for prohibiting or regulating the digging up of carcases which have been buried;

(ix) for prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale;

(x) for prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise;

(xi) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere;

(xii) for prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways;

(xiii) for prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an order of the Board, and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with the seizure, detention, and disposal thereof,

(xiv) for prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Board or of a local authority;

(xv) for regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament;

(xvi) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Board or of a local authority, or dying while diseased or suspected;

(xvii) for prohibiting or regulating the movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased;

(xviii) for prescribing and regulating the issue and production of licences respecting movement and removal of animals and things;

(xix) for prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals;

(xx) for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions, or sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals;

(xxi) for prescribing and regulating the cleansing and disinfection of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith;

(xxii) for prescribing modes of cleansing and disinfection;

(xxiii) for prohibiting the conveyance of animals by any specified vessel to or from any port in the United Kingdom for such time as the Board may consider expedient;

(xxiv) for insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;

(xxv) for protecting them from unnecessary suffering during the passage and on landing;

(xxvi) for protecting animals from unnecessary suffering during inland transit;

(xxvii) for securing a proper supply of water and food to animals during any detention thereof;

(xxviii) for prescribing and regulating the marking of animals;

(xxix) for prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act;

(xxx) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;

(xxxi) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention;

(xxxii) for prescribing and regulating the payment and recovery of expenses in respect of animals;

(xxxiii) for prescribing and regulating the form and mode of service or delivery of notices and other instruments;

(xxxiv) for authorising a local authority to make regulations for any of the purposes of this Act or of an order of the Board subject to such conditions, if any, as the Board, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe;

(xxxv) for extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes, or any of them, comprise any disease of animals in addition to the diseases mentioned in this Act;

(xxxvi) for extending, for all or any of the purposes of this Act, the definition of animals in this Act, so that the same shall for those purposes or any of them comprise any kind of four-footed beasts, in addition to the animals mentioned in this Act; and

(xxxvii) generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

Provision of water and food at railway stations.

23.—(1.) Every railway company shall make a provision, to the satisfaction of the Board of Agriculture, of water and food, or either of them, at such stations as the Board, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Board may, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Board by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Foreign Animals.

Animals in the absence of any order to be slaughtered at port of landing.

24.—The provisions set forth in Part I. (slaughter at port of landing) of the Third Schedule to this Act shall apply to all foreign animals other than—

(*a*) foreign animals the landing of which is for the time being prohibited by order of the Board of Agriculture;

(*b*) foreign animals the landing of which is allowed by order of the Board without being subject under the provisions of this Act to slaughter or quarantine; and

(*c*) foreign animals intended for exhibition or other exceptional purposes, and the landing of which is allowed for the time being by the Board subject to the provisions of Part II. (quarantine) of the Third Schedule to this Act.

Orders prohibiting importation of animals.

25. The Board of Agriculture may, whenever they deem it expedient so to do, for the purpose of preventing the introduction of disease into the United Kingdom, make orders for prohibiting the landing of animals or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing brought from any specified country out of the United Kingdom or any specified part of any such country, and they shall prohibit the landing of such animals whenever they are not satisfied with respect to any such country or any specified part thereof, that having regard to the sanitary condition of the animals therein or imported therefrom, to the laws made by such country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease, and to the administration of such laws, the circumstances are such as to afford reasonable security against the importation therefrom of animals affected with foot-and-mouth disease.

Orders admitting animals free without being subject to slaughter.

26. In relation to foreign animals other than those the landing whereof is for the time being prohibited by order of the Board of Agriculture, and other than those brought from the Channel Islands or the Isle of Man, if and so long as the Board are satisfied with respect to any country out of the United Kingdom or any specified part of such country that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, the Board, by order, shall allow animals, or any specified kind of animals, brought from that country or such part to be landed without being subject to the provisions of the Third Schedule to this Act as to slaughter or quarantine, and may for that purpose alter or add to those provisions as the case may require.

Provided that the admission of such animals shall be subject to such regulations as to the route by which the animals are conveyed to this country, quarantine, or otherwise, as the Board of Agriculture may by order direct.

Orders admitting animals to quarantine.

27. Notwithstanding anything contained in this Act or in any order of the Board of Agriculture, the Board may make such orders as they think fit for allowing the landing of any foreign animals intended for exhibition, or for other exceptional purposes, and for allowing such animals to be landed without being subject to the provisions of Part I. (slaughter at port of landing) of the Third Schedule to this Act, and the provisions of Part II. (quarantine) of the said schedule shall apply to any animals so allowed to be landed.

28. In relation to animals brought from the Channel Islands or the Isle of Man, the Board of Agriculture may, if they think fit, by order or by licence, alter or add to the provisions of the Third Schedule to this Act relating to slaughter or to quarantine, as the case may require.

Special provisions as to Channel Islands and Isle of Man.

29. Every order made in pursuance of this Act in relation to the landing or conveyance of foreign animals shall be forthwith laid before both Houses of Parliament.

Orders to be laid before Parliament.

30.—(1.) The Board of Agriculture may make such orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them :—

Regulation of ports

(i) for prescribing the ports at which alone foreign animals may be landed;

(ii) for defining the limits of ports for the purposes of this Act;

(iii) for defining parts of ports,

(iv) for prohibiting or regulating the movement of animals into, within, or out of a defined part of a port;

(v) for prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port;

(vi) for prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port;

(vii) for regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, within, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease,

(viii) for prescribing and regulating the cleansing and disinfection of a defined part of a port or of parts thereof;

(ix) for prescribing and regulating the disinfection or destruction of things being in a defined part of a port or removed thereout,

(x) for regulating the movement of persons into, within, or out of a defined part of a port;

(xi) for prescribing and regulating the disinfection of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease;

(xii) for prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread, and

(xiii) generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Board.

(3.) Where the district or part of a district of a local authority under this Act is or comprises, or is comprised in, a port or part of a port, the Board may, if they think fit, in relation to that port or

part of a port, by order, make any body, other than the body constituted the local authority by this Act for such district or part of a district, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

General Provisions as to Local Authorities.

Committees of local authorities.

31.—(1.) The provisions in the Fourth Schedule to this Act shall have effect with respect to committees of local authorities, but nothing therein contained shall prejudice or affect the power of a county council to delegate their powers to any committee or body under section twenty-eight of the Local Government Act, 1888.

51 & 52 Vict. c. 41.

(2.) Provided that the Board of Agriculture, in any order made by them under this Act for authorising a local authority to make regulations, may direct that the power to make such regulations for any purpose specified in that behalf in the order shall be exercised only by the local authority or their executive committee, and shall not be deputed to any other committee nor to a sub-committee.

Provision of wharves, stations, lairs, &c.

32.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign or other animals, carcases, fodder, litter, dung, and other things.

10 & 11 Vict. c. 14.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Board of Agriculture, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

10 & 11 Vict. c. 14.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as may be imposed by byelaws, and the same shall be deemed tolls authorised by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them under the Contagious Diseases (Animals) Act, 1869, the Contagious Diseases (Animals) Acts, 1878 to 1893, or this Act, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

32 & 33 Vict. c. 70.

(6.) The local authority shall make such periodical returns to the Board of Agriculture of their expenditure and receipts in respect of the wharf or other place as the Board require.

(7.) The Board, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be

reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Board, for their approval, a new schedule of tolls, and on failure of the local authority to do so to the satisfaction of the Board, may, by order, prescribe such tolls as the Board think fit, in lieu of those before approved by the Board.

(8.) The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869, or under the Contagious Diseases (Animals) Acts, 1878 to 1893. 32 & 33 Vict. c. 70.

33.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases, in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable and approved by the Board of Agriculture in that behalf, or for any other purpose of this Act. Power for local authority to acquire land.

(2.) The local authority may (subject to any agreement) dispose of lands so acquired but not required for the purposes of this Act, carrying the money produced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; provided that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate shall be substituted for the rates therein mentioned. 38 & 39 Vict. c. 55.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

34.—(1.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an order of the Board of Agriculture, the Board may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof. Proceedings in case of default of local authorities.

(2.) The expenses incurred under any such order or in respect of any such default by or on behalf of the Board, including compensation for animals slaughtered, shall be expenses of the local authority, and the treasurer or other proper officer of the local authority shall pay the amount of such expenses to the Board on demand, and in default of payment a person appointed by the Board to sue in that behalf, may recover the amount of such expenses, with costs, from the local authority.

(3.) For the purposes of this section an order of the Board shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(4.) The provisions of this section shall be without prejudice to the right or power of the Board, or any other authority or any

person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an order of the Board.

Inspectors and other officers of local authority.

35.—(1.) Every local authority shall appoint so many inspectors and other officers as the local authority think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Board of Agriculture, having regard to the extent and circumstances of the district of the local authority, direct.

(3.) The Board, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Board of Agriculture.

36. Every local authority and their inspectors and officers shall send and give to the Board of Agriculture such notices, reports, returns, and information as the Board require.

Orders and regulations of local authorities.

37.—(1.) An order or regulation of a local authority may be proved—

(i) by the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii) by the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorised by this Act or by an order of the Board of Agriculture shall alone be deemed for the purposes of this Act an order or regulation of a local authority.

Powers of local authorities to be for their district.

38. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exerciseable and shall operate within and in relation to that district only.

Transfer of powers from one local authority to another, or formation of united district.

39.—(1.) Wherever the whole or any part of the district of any local authority is wholly surrounded by or has a common boundary with the district of any other local authority, those two local authorities may by agreement in writing between themselves make and vary and rescind provisions for the exercise by one of them (in this section referred to as the administering authority) of powers under this Act or any order of the Board of Agriculture

within the whole or any part of the district of the other (in this section referred to as the surrendering authority) and for ascertaining the proportion of the expenses of the administering authority to be paid by the surrendering authority, such proportion to be fixed with reference to the rateable value of the part of the district of the surrendering authority surrendered to the administering authority as compared with the rateable value of the original area of the district of the administering authority.

(2.) The district or part of a district subjected, in pursuance of an agreement under this section, to the powers of the administering authority, shall, for the purpose of the exercise of such powers, be deemed to be part of the district of the administering authority, and be dealt with accordingly.

(3.) Any expenses payable by a surrendering authority to an administering authority under this section shall be paid out of the local rate of the surrendering authority.

(4.) Provided that where the surrendering authority is the local authority for a borough and the administering authority is the local authority for a county to the rate of which such borough is assessed, the provision of this Act requiring that the local authority of the borough shall be paid by the local authority of the county the proportionate amount paid by the several parishes or parts of parishes in the borough shall not apply.

(5.) A local authority may by agreement in writing concur with any other local authority or authorities in appointing out of their respective bodies a joint committee consisting of such number of members with such tenure of office as they may determine, and in assigning to the joint committee a district consisting of the whole or such parts of the districts of the constituent authorities as the authorities may determine, and in delegating to the joint committee within their district the whole or any part of the powers of a local authority, and the joint committee shall, in respect of any powers so assigned to them, exercise the same powers and be subject to the same obligations, and this Act and any order of the Board shall, in respect of the district so assigned, take effect, as if such district were the district of a local authority and the joint committee were a local authority within the meaning of this Act.

(6.) All expenses incurred by the joint committee shall be apportioned among the component areas belonging to the different constituent authorities in proportion to the rateable values of such areas, as compared with each other, and shall be paid out of the local rates of the constituent authorities.

(7.) An agreement made under this section shall not be valid unless it has been approved by the Board.

(8.) The expression "powers" in this section shall not include the power of making or levying a rate, but shall include all other powers, duties, and obligations exerciseable by or imposed on a local authority or its officers under or by this Act, or any order of the Board.

Expenses of Local Authorities.

Expenses out of local rate.

40.—(1.) The expenses of a local authority under this Act shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall be levied with and as part of the local rate.

(2.) The local rate in England and Wales shall be as follows:—

(i) in the case of the local authority for a county, the county rate with the county fund;

(ii) in the case of the local authority for the City of London, the consolidated rate; and

(iii) in the case of the local authority for a borough, the borough rate with the borough fund.

(3.) Provided that the payment of the expenses of the local authority for the county of London, under this Act, shall be a general county purpose for which the parishes in the City of London shall be liable to be assessed to county contributions.

Relief of boroughs from contribution to county expenses.

41.—(1.) In England and Wales the council of a borough assessed to the county rate of a county shall be paid by the council of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the council of the county.

(2.) Nothing in this Act shall affect the exemption of any borough which had a separate court of quarter sessions at the date of the passing of the Local Government Act, 1888, from contributing towards the expenses under this Act of the council of the county within which the borough is situate.

51 & 52 Vict. c. 41.

Power for local authority to borrow.

42.—(1.) Where the amount or proportion of the local rate levied or required for the purposes of this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary for the purposes of this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

38 & 39 Vict. c. 83.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans (Money) Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

38 & 39 Vict. c. 58.

(5.) A local authority, borrowing for any of the purposes of this Act, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

Duties and authorities of constables.

43.—(1.) The police force of each police area shall execute and enforce this Act and every order of the Board of Agriculture.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and, if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine any animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Act or of an order of the Board or of a regulation of a local authority, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General Administrative Provisions.

General powers of inspectors.

44.—(1.) An inspector shall have, for the purposes of this Act, all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.

(2.) An inspector may at any time enter any land or shed to which this Act applies, or other building or place wherein he has reasonable grounds for supposing—

(*a*) that disease exists or has within fifty-six days existed; or

(*b*) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c*) that there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority; or

(*d*) that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as herein-before by this section authorised, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Board shall have all the powers of an inspector throughout England or that part thereof for which he is appointed, and in addition to the powers herein-before conferred upon inspectors, an inspector of the Board may at any time, for the purpose of ascertaining whether pleuro-pneumonia, foot-and-mouth disease, or swine-fever exists, or has within fifty-six days existed, in any shed, land, or other place, enter such shed, land, or place.

Power for detention of vessels.

45.—(1.) Where an inspector of the Board of Agriculture is satisfied that this Act or an order of the Board or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Board otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

57 & 58 Vict. c. 60.

(3.) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply in the case of such detention as if it were authorised or ordered under that Act.

Expenses of burial of carcases washed ashore.

46.—(1.) Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Board of Trade, the expenses thereof shall be expenses of the local

authority, and shall be paid by the local authority to the receiver on demand, and in default of payment shall be recoverable with costs by the receiver from the local authority.

(2.) Where a local authority has incurred any expenses under this section on account of the burial or destruction of the carcase of any animal which, or the carcase of which, was thrown or washed from any vessel, the owner of the vessel shall be liable to repay such expenses to the local authority; and the local authority may recover such expenses with costs in the same manner as salvage is recoverable.

Exemption from stamp duty and fees.

47. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an order of the Board of Agriculture, or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

Evidence and form and service of instruments.

48.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Board of Agriculture or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(3.) Any notice or other instrument under this Act or under an order of the Board or a regulation of a local authority may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a letter addressed to him there.

(4.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.*

Provisions respecting orders of Board of Agriculture.

49.—(1.) The Board of Agriculture may alter or revoke any order of the Board.

(2.) Every order of the Board shall have effect as if it had been enacted by this Act.

(3.) The Board shall, in the case of every order made by them under this Act, publish in the London Gazette a notice that the order has been made, and of the place where copies of the order may be obtained.

(4.) Every local authority shall at their own expense publish every order of the Board, and every licence, or other instrument sent to them by the Board for publication, in such manner as the Board direct, and, subject to and in the absence of any direction,

by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an order of the Board, licence, or other instrument issued by the Board, shall not be affected by want of or defect or irregularity in any publication thereof.

Yearly return to Parliament.

50. The Board of Agriculture shall make and lay before both Houses of Parliament, not later than the thirty-first day of March in each year, a return stating the proceedings and expenditure under this Act of the Board, and, as far as reasonably may be, of all local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Board think fit.

Offences and Legal Proceedings.

Penalties for offences.

51. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i) to a fine not exceeding twenty pounds; or

(ii) if the offence is committed with respect to more than four animals, to a fine not exceeding five pounds for each animal; or

(iii) where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a fine not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first fine of not exceeding twenty pounds.

General offences.

52. If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

(i) if he does anything in contravention of this Act, or of an order of the Board of Agriculture, or of a regulation of a local authority; or

(ii) if, where required by this Act or by an order of the Board to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so; or

(iii) if he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an order of the Board, or by a regulation of a local authority, he is required to give, produce, observe, or do; or

(iv) if he does anything which by this Act or an order of the Board is made or declared to be not lawful; or

(v) if he does or omits anything, the doing or omission whereof is declared by this Act or by an order of the Board to be an offence by him against this Act; or

(vi) if he refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Board, or of

a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding; or

(vii) if he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected,

and on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section he shall be liable, in the discretion of the court, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the fine to which he is liable under this Act.

Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

53.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an order of the Board, or a regulation of a local authority, without having obtained a licence, or

(ii) if, where a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired; or

(iii) if he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof, or

(iv) if, with intent to unlawfully evade this Act, or an order of the Board of Agriculture, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or of an order of the Board or of a regulation of a local authority; or

(v) if, for the purpose of obtaining a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or

(vi) if he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court that he did not know of

that falsity, and that he could not with reasonable diligence have obtained knowledge thereof; or

(vii) if he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or if he grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same; or

(viii) if, with intent to unlawfully evade or defeat this Act, or an order of the Board, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act or an order of the Board or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing; or

(ix) if he uses or offers or attempts to use for any purpose of this Act, or of an order of the Board, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof; or

(x) if he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Board or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence; or

(xi) if, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Board or of a local authority or of a receiver of wreck; or

(xii) if, where the Board has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the fine to which he is liable under this Act.

Proceedings in court of summary jurisdiction.

54. Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any money by this Act or an order of the Board of Agriculture made recoverable summarily may be recovered, and any summary orders under this Act or an order of the Board may be made in manner provided by the Summary Jurisdiction Acts; but nothing in this section shall apply to proceedings under the Customs Acts.

55. If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom to a court of quarter sessions. Appeal.

56.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an order of the Board of Agriculture, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act. Proceedings under Customs Acts for unlawful landing or shipping.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited under and according to the Customs Acts in like manner as goods the importation whereof is prohibited by or under the Customs Acts.

57.—(1.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge. General provision as to procedure.

(2.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection thereof.

(3.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(4.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an order of the Board of Agriculture or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(5.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every fine or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

Miscellaneous.

58. Notwithstanding anything in this Act the Hove Improvement Act Commissioners shall be the local authority for the Local authority and local rate in Hove.

Improvement Act District of Hove, and the local rate for that district shall be the rate applicable by the Commissioners to the maintenance of the police, and this Act shall apply to that district as if it were a borough and as if the said Commissioners were the council of the borough.

Interpretation and construction.

59.—(1.) In this Act, unless the context otherwise requires, the following terms have the meanings herein-after respectively assigned to them, that is to say:—

The expression "cattle" means bulls, cows, oxen, heifers, and calves:

The expression "animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

The expression "disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, sheep-scab, or swine-fever (that is to say, the disease known as typhoid fever of swine, soldier purples, red disease, hog cholera or swine-plague):

The expression "diseased" means affected with disease:

The expression "suspected" means suspected of being diseased:

The expression "carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately, or otherwise, or any portion thereof:

The expression "fodder" means hay or other substance commonly used for food of animals:

The expression "litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

The expression "foreign," applied to animals and things, means brought to the United Kingdom from a country out of the United Kingdom:

The expression "inspector of the Board of Agriculture" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act by the Privy Council or the Board of Agriculture, or by a local authority, as the case may be; and the expression "inspector," used alone, means such a person, by whichever authority appointed:

The expression "veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Board of Agriculture:

The expressions "police area" and "police force" with respect to the City of London mean the said city and the police thereof, and with respect to any other place have the same meaning as in the Police Act, 1890:

53 & 54 Vict. c. 45.

The expression "district," when used with reference to a local authority, means the area for which the local authority exercises powers under this Act:

The expression "the Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act: 39 & 40 Vict. c. 36.

The expression "justice" means justice of the peace:

The expression "railway company" includes a company or person working a railway under lease or otherwise:

The expression "Order of Council" means an Order of the Privy Council under the Contagious Diseases (Animals) Acts, 1875 to 1886:

The expression "order of the Board of Agriculture" means an order made by the Board of Agriculture under this Act or under any enactment by this Act repealed.

(2.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

Special Provisions as to Scotland.

60. In the application of this Act to Scotland: Local authority and local rate in Scotland.

(1.) The local authority and the local rate shall respectively be—

(*a*) for each burgh not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, the magistrates and town council, and a rate to be levied equally upon owners and occupiers within the burgh; and

(*b*) for each county and any burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies, and any royal burgh which does not return or contribute to return a member to Parliament, the county council, and a rate within the county to be levied equally upon owners and occupiers as an item of the consolidated county rates, and within such burghs and royal burghs to be ascertained, fixed, and paid to the county council as provided by the Local Government (Scotland) Act, 1889.

(2.) The expression "county" means a county as defined by the Local Government (Scotland) Act, 1889; 52 & 53 Vict. c. 50.

(3.) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament;

(4.) The expressions "police area" and "police force" have the same meaning as in the Police (Scotland) Act, 1890; 53 & 54 Vict. c. 67.

(5.) "Value according to the valuation roll" shall be substituted for "rateable value";

(6.) With respect to the delegation of powers by a county council section seventy-three of the Local Government (Scotland) Act 1889, shall be substituted for section twenty-eight of the Local Government Act, 1888; and 52 & 53 Vict. c. 50. 51 & 52 Vict. c. 41.

(7.) All deeds made or granted by a local authority under this Act shall in addition to being sealed be signed by two members of the local authority and by the clerk of the local authority.

61. The provisions of this Act relating to the purchase of land shall have effect with respect to Scotland as if section ninety of the Purchase of land in Scotland.

30 & 31 Vict. c. 101. 38 & 39 Vict. c. 55.

Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Act shall be substituted for the local authority and the assessment therein mentioned.

Provisions as to borrowing by local authority in Scotland.

62. The provisions of this Act relating to borrowing by local authorities shall, as regards Scotland, be modified as follows:—

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof;

(ii.) The Secretary for Scotland shall be substituted for the Local Government Board; and

38 & 39 Vict. c. 83.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof, as regards borrowing by local authorities of counties, the provisions of the Local Government (Scotland) Act, 1889, shall apply, and as regards borrowing by local authorities of burghs the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, shall be deemed to have been incorporated with this Act, the local authority being deemed to be the commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

10 & 11 Vict. c. 16.

Powers and qualifications of inspectors in Scotland.

63.—(1.) An inspector of the Board of Agriculture shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a veterinary inspector in Scotland who holds the veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal proceedings in Scotland.

64. For the purposes of the application of this Act to Scotland—

(1.) Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any money by this Act or an order of the Board of Agriculture made recoverable summarily may be recovered, and any summary order under this Act or an order of the Board may be made in manner provided by the Summary Jurisdiction (Scotland) Acts;

(2.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator-fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form;

(3.) The section of this Act relating to appeals to quarter sessions shall not apply,

(4.) Notwithstanding anything in this or any other Act, the part of every fine or forfeiture recovered under this Act, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:—

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court;

(*b.*) To the collector of the county, in aid of the county general assessment portion of the consolidated rates of the county, when the court is the justice of the peace court;

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court; and

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court;

(5.) Nothing in this section shall apply to proceedings under the Customs Acts.

Special Provisions as to Ireland.

Powers of Lord Lieutenant and Privy Council.

65. For the purposes of the execution of this Act in Ireland—

(1.) The powers by this Act conferred on the Board of Agriculture shall be vested in the Lord Lieutenant acting by the advice of the Privy Council, in this Act referred to as the Lord Lieutenant and Privy Council, and as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, areas, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor;

(2.) Any act of the Lord Lieutenant and Privy Council under this Act done otherwise than by Order in Council shall be sufficiently done and signified by an instrument signed by the Clerk of the Council: and every act done and signified by an instrument so signed shall be deemed to have been duly done by the Lord Lieutenant and Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof;

(3.) Any power under this Act vested in the Chief Secretary except as a Privy Councillor may, in his absence, be exercised by the Under Secretary for the time being to the Lord Lieutenant;

(4.) An order of the Lord Lieutenant and Privy Council under this Act is referred to therein as an Order in Council; and

(5.) Subject to the provisions of this and subsequent sections of this Act relating to Ireland, the provisions of this Act relating to the Board of Agriculture and to orders of the Board of Agriculture and to officers of the said Board shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council, and to orders of the Lord Lieutenant and to officers appointed by the Lord Lieutenant for the purposes of this Act.

Communication of orders from and to Ireland.

66. In order to secure uniformity of action every Order in Council and every order of the Board of Agriculture made under this Act shall, with all practicable speed, be communicated to the

Board of Agriculture, or to the Lord Lieutenant and Privy Council, as the case may be.

Provision as to local authorities, lands, and borrowing in Ireland.

67.—(1.) The local authorities in Ireland shall be the boards of guardians of the several poor law unions, and the district of each local authority shall be the poor law union.

(2.) The provisions of this Act relating to the purchase of land by local authorities shall, as regards Ireland, have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied section two hundred and three of the Public Health (Ireland) Act, 1878; and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

38 & 39 Vict. c. 55.

41 & 42 Vict. c. 52.

(3.) The provisions of this Act relating to borrowing by local authorities shall, as regards Ireland, have effect as if sections two hundred and thirty-seven to two hundred and forty-six of the Public Health (Ireland) Act, 1878, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners.

41 & 42 Vict. c. 52.

38 & 39 Vict. c. 83.

Provisions respecting officers of local authorities in Ireland.

68. The Lord Lieutenant and Privy Council may make such Orders in Council as to them seem fit,—

(i) for defining the numbers, qualifications, and powers of inspectors and valuers, and other officers of local authorities, and the terms and conditions of their appointment, and regulating their duties; and

(ii) for fixing the periods for which they are to be appointed, and their remuneration and allowances.

Qualifications and powers of inspectors in Ireland.

69.—(1.) The provisions of this Act requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by this Act conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorising or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto; or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by this Act conferred on a veterinary inspector of the Board of Agriculture.

(4.) In the application of this Act to Ireland the expression "inspector of the Board of Agriculture" shall mean a person appointed to be an inspector for the purposes of this Act by the Lord Lieutenant, and "inspector of a local authority" means an inspector appointed by a local authority or by local authorities under this section, and the expression "inspector" means such an inspector by whichever authority appointed.

Expenses of local authorities in Ireland.

70. The remuneration and allowances of an inspector or valuer of a local authority in Ireland, and all money payable as compensation for animals slaughtered by direction of the local authority, shall when due be paid by the treasurer of the union out of union funds.

General Cattle Diseases Fund for Ireland.

71.—(1.) The General Cattle Diseases Fund established by the Contagious Diseases (Animals) Act, 1878, shall continue for the purpose of the execution of this Act in Ireland, and any money at the commencement of this Act standing to the credit of the fund, not being money paid to the cattle pleuro-pneumonia account, shall, in the first instance, constitute the general account of the fund.

(2.) The Chief Secretary may, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the poor law unions is required for the purposes of this Act.

(3.) Thereupon the Local Government Board for Ireland shall by order under their seal assess that sum on the several poor law unions in proportion to the net annual value of the property therein, and shall send copies of the order to the guardians and to the treasurer of each union.

(4.) Thereupon the treasurer of each poor law union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the general account of the General Cattle Diseases Fund. The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(5.) No larger sum shall be levied under this Act at any one time than is equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the poor law unions; nor shall any larger sum be levied under this Act in the whole than is equivalent, taken with any money before the commencement of the Contagious Diseases (Animals) Act, 1878, carried to the Cattle Plague Account, and with any sums levied under that Act to a poundage of eightpence in the pound on the net annual value of the property in all the unions.

(6.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the general account of the General Cattle Diseases Fund is not required for purposes of that fund, the Local Government Board for Ireland shall by order

under their seal assign the proportions returnable to the several poor law unions, according to the net annual value of the property therein, and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions; and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

(7.) The expression "net annual value of property" in this section means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being.

(8.) The expression "union funds" in this Act means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Act, then union funds shall be taken to include the moneys next received by the treasurer and placed to the credit of the guardians.

Application of General Cattle Diseases Fund.

72.—(1.) The treasurer of a poor law union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, expenses, allowances, or compensation, in accordance with this Act, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the general account of the General Cattle Diseases Fund of one half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered; and the amount so ordered shall be paid accordingly to the treasurer for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner nor the person in charge thereof had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation has been paid by a local authority ought not to have been slaughtered, the Chief Secretary may, notwithstanding anything in this section, withhold his order for payment out of the general account of the General Cattle Diseases Fund of any money in respect of that animal.

(4.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this Act, and not otherwise provided for by this Act, shall be defrayed out of the general account of the General Cattle Diseases Fund.

73. For the purpose of defraying the costs incurred by the Lord Lieutenant and Privy Council in the execution of the sections of this Act which relate to the slaughter of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, and the payment of compensation on account of such slaughter, the following provisions shall apply :— **Expenses of Lord Lieutenant in case of slaughter for pleuro-pneumonia, foot-and-mouth disease, or swine-fever.**

(1.) There shall be paid to the General Cattle Diseases Fund—

(*a*) such moneys (not exceeding twenty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs incurred by the Lord Lieutenant and Privy Council in the execution of the provisions of this Act relating to the slaughter of cattle, animals, or swine on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever; and

(*b*) all sums received by the Lord Lieutenant and Privy Council on the sale of the carcases of cattle, animals, or swine. slaughtered by the Lord Lieutenant and Privy Council on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, after deducting any amount payable thereout as excess to the owners of the cattle, animals, or swine, under this Act;

and the amounts so paid shall be carried to the separate account, called the Cattle Pleuro-pneumonia Account of the said Fund (which account is in this Act referred to as the Cattle Pleuro-pneumonia Account for Ireland), and the moneys standing to the credit of the said account shall be applicable solely to the purposes of the sections of this Act relating to the slaughter by the Board of Agriculture of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, and the payment of compensation on account of such slaughter, and any expenses incurred in connexion therewith;

(2.) Provided that of the money provided by Parliament for the Cattle Pleuro-pneumonia Accounts for Great Britain and Ireland not more than fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year;

(3.) The costs and expenses under this Act which in the case of Great Britain are by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain shall in the case of Ireland be paid by the Lord Lieutenant and Privy Council out of the moneys standing to the Cattle Pleuro-pneumonia Account for Ireland, and, if those moneys are insufficient, shall be paid out of the general account of the General Cattle Diseases Fund;

(4.) The regulations contained in the Second Schedule to this Act shall apply to the Cattle Pleuro-pneumonia Account for Ireland.

74. The provisions of this Act relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force and of the Dublin Metropolitan Police Force. **Police in Ireland.**

Recovery of penalties and summary proceedings in Ireland.

75. For the purposes of the application of this Act to Ireland:

(1.) Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any money by this Act or an Order in Council made recoverable summarily may be recovered, and any summary order under this Act or an Order in Council may be made, in manner provided by the Summary Jurisdiction (Ireland) Acts;

(2.) The provisions of the Summary Jurisdiction (Ireland) Acts relative to appeals against orders and convictions shall apply to orders and convictions and to dismissals of complaints under this Act;

(3.) A court of summary jurisdiction may consist of one or more justices; and

(4.) Fines recovered under this Act shall be applied as follows; that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the general account of the General Cattle Diseases Fund.

Publication and proof of Orders in Council in Ireland.

76. In the application of this Act to Ireland:

(1.) The Dublin Gazette shall be substituted for the London Gazette;

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council,

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of the Privy Council, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

Expenses of Veterinary Department in Ireland.

77. The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in or under the Veterinary Department of the Privy Council Office in Ireland; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

Supplemental.

Repeal of enactments in schedule.

78.—(1.) The Acts specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column to that schedule.

(2.) Notwithstanding such repeal, every Order of Council and in Council, and every order of the Board of Agriculture, or regulation of a local authority made, and every licence granted, and every committee or sub-committee constituted, and every inspector appointed, under any of the enactments repealed, shall continue and be as if this Act had not been passed; but so that the same

may be revoked, altered, cancelled, or otherwise dealt with under this Act, as if it had been made, done, or granted under this Act.

79. This Act may be cited as the Diseases of Animals Act, 1894. Short title.

SCHEDULES.

THE FIRST SCHEDULE. Section 11.

PART I.

Pleuro-Pneumonia.

1. Cattle shall not be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Board of Agriculture think fit by order to except.

2. In the cases so excepted by order cattle may be moved into or out of an infected place on conditions prescribed by order of the Board, and not otherwise.

3. Cattle may be moved into, within, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by order of the Board, and not otherwise.

PART II.

Foot-and-Mouth Disease.

1. Animals shall not be moved into or out of a place infected with foot-and-mouth disease except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Board of Agriculture think fit by order to except.

2. In the cases so excepted by order animals may be moved into or out of an infected place on conditions prescribed by order of the Board, and not otherwise.

3. Animals may be moved into, within, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by order of the Board, and not otherwise.

THE SECOND SCHEDULE. Sections 18, 73.

REGULATIONS AS TO CATTLE PLEURO-PNEUMONIA ACCOUNTS.

1. Notwithstanding anything in this Act the moneys provided by Parliament towards defraying the cost of the execution of the provisions of this Act relating to the slaughter by the Board of Agriculture or the Lord Lieutenant and Privy Council of cattle, animals, or swine, on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever, may be apportioned between Great Britain and Ireland in such manner as the Treasury in communication with the Board and the Lord Lieutenant may direct.

2. At the end of every financial year, accounts of the receipts and expenditure of the Cattle Pleuro-pneumonia Account for Great Britain and the Cattle Pleuro-pneumonia Account for Ireland shall be made up in such

form and with such particulars as may be directed by the Treasury, and such accounts shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

3. If at the end of any financial year the Treasury, after communication with the Board of Agriculture, or the Lord Lieutenant and Privy Council, as the case may be, are satisfied that the balance standing to the credit of either of the said Cattle Pleuro-pneumonia Accounts, or any part of such balance, will not be required for the purposes of this Act, they may—

(*a*) in the case of the Cattle Pleuro-pneumonia Account for Great Britain direct such balance or part to be paid in the proportions provided by this schedule into the Local Taxation Account and the Local Taxation (Scotland) Account, in repayment of any sums which have been paid to the Cattle Pleuro-pneumonia Account out of the said Local Taxation Accounts; and

(*b*) in the case of the Cattle Pleuro-pneumonia Account for Ireland, direct such balance or part to be paid into the general account of the General Cattle Diseases Fund in repayment of any sums which have been paid out of the said general account for any of the purposes to which the Cattle Pleuro-pneumonia Account is by this Act applicable;

and in either case the Treasury may direct any balance or part which may not be required for such repayment to be paid into the Exchequer.

4. The proportions in which any sum is to be paid out of or into the Local Taxation Account and the Local Taxation (Scotland) Account under this Act shall be eighty-eight per centum of such sum out of or into the Local Taxation Account, and twelve per centum out of or into the Local Taxation (Scotland) Account.

5. All money paid under this Act out of or into the Local Taxation Account shall in account be charged against or credited to the proceeds of the probate duty.

6. All moneys paid under this Act out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited to the residue of the Scotch share of the local taxation (customs and excise) duties in manner provided by section two of the Local Taxation (Customs and Excise) Act, 1890.

53 & 54 Vict. c. 60.

7. Payments out of or into the said Cattle Pleuro-pneumonia Accounts, and all other matters relating to the accounts and to the moneys standing to the credit of the accounts shall be made and regulated in such manner as the Treasury direct.

Sections 24, 26, 27.

THE THIRD SCHEDULE.

FOREIGN ANIMALS.

PART I.

Slaughter at Port of Landing.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals wharf.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct.

3. The animals shall not be moved alive out of the wharf.

PART II.

Quarantine.

1. The animals shall be landed only at a part of a port defined for that purpose by order of the Board of Agriculture, to be called a foreign animals quarantine station.

2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Board by order prescribe.

3. When landed the animals shall be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals, or other persons, and approved by the Board.

4. The animals shall not be moved out of the quarantine station except on conditions prescribed by order of the Board.

5. Notwithstanding anything in the foregoing provisions of this part of this schedule the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals within a foreign animals quarantine station.

THE FOURTH SCHEDULE.

Section 80.

COMMITTEES OF LOCAL AUTHORITIES.

1. Every local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. A committee may consist wholly of members of the local authority or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified, as the local authority think fit.

3. A local authority may except in so far as it is otherwise provided by order of the Board of Agriculture delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them [except in so far as it is otherwise provided by order of the Board] all or any of the powers of the executive committee, with or without conditions or restrictions, and revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint

another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

Section 78.

THE FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 74.	The Contagious Diseases (Animals) Act, 1878.	The whole Act, except section thirty-four.
47 & 48 Vict. c. 13.	The Contagious Diseases (Animals) Act, 1884.	The whole Act.
47 & 48 Vict. c. 47.	The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884.	The whole Act.
49 & 50 Vict. c. 32.	The Contagious Diseases (Animals) Act, 1886.	The whole Act, except section nine.
52 & 53 Vict. c. 30.	The Board of Agriculture Act, 1889.	Section three.
53 & 54 Vict. c. 14.	The Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890.	The whole Act.
55 & 56 Vict. c. 47.	The Contagious Diseases (Animals) Act, 1892.	The whole Act.
56 & 57 Vict. c. 43.	The Contagious Diseases (Animals) Act, 1893.	The whole Act.

CHAPTER 58.

An Act to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes.

[25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 52 & 53 Vict. c. 50.

1. This Act may be cited as the Local Government (Scotland) Act, 1894, and this Act, and the Local Government (Scotland) Act, 1889, (herein-after called the principal Act,) shall, except as otherwise provided by this Act, be construed as one Act, and may be cited together as the Local Government (Scotland) Acts.

Extent of Act.

2. This Act shall extend to Scotland only.

PART I.

CONSTITUTION OF A LOCAL GOVERNMENT BOARD FOR SCOTLAND.

Establishment of Local Government Board for Scotland. 8 & 9 Vict. c. 83.

3. A Board shall be established, to be called the Local Government Board for Scotland (in this Act referred to as the Board), and from and after the establishment of such Board, the Board of Supervision, established by the Poor Law (Scotland) Act, 1845, shall cease to exist, and all the powers and duties vested in or imposed on the Board of Supervision by any Act of Parliament in force at the commencement of this Act, shall be vested in, transferred to, and imposed on the Board, and, except as otherwise provided by this Act, shall be exercised and performed by the Board in like manner and subject to the same conditions, liabilities, and incidents respectively, as such powers and duties might before the commencement of this Act have been exercised and performed by the Board of Supervision, or as near thereto as circumstances admit.

Constitution of Board. 49 & 50 Vict. c. 48.

4.—(1.) The Board shall consist of a President, being the Secretary for Scotland, the Solicitor-General for Scotland, and the Under Secretary for Scotland, together with three appointed members, of whom one shall also be appointed Vice-President and Chairman of the Board in the absence of the President, the second shall be a member of the Faculty of Advocates of not less than seven years standing, and the third shall be a registered medical practitioner, who is also registered on the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine, under section twenty-one of the Medical Act, 1886, or has been for a period of not less than five years medical officer of a

county or burgh. Such third appointed member shall not hold any other appointment or engage in private practice or employment.

(2.) The appointed members shall be appointed by Her Majesty, on the recommendation of the Secretary for Scotland, at any time after the passing of this Act, and from time to time as vacancies occur, and shall receive out of moneys provided by Parliament such salaries as the Treasury may assign. They shall hold office during Her Majesty's pleasure.

(3.) The Board shall be deemed to be established from and after the date of the first appointment of a Vice-President under this Act.

Seal, style, acts, orders, and rules of Board.

5.—(1.) The Board shall adopt an official seal, and describe themselves generally by the style and title of the Local Government Board for Scotland, and any act to be done, or deed to be signed, or instrument to be executed, by or on behalf of the Board, may be done or signed or executed in the name of the Board by the President, or by any member of the Board, or by the secretary if such secretary is authorised to do, sign, or execute the same by any general or special order of the Board.

(2.) A rule, order, or regulation made by the Board shall be valid if made under the seal of the Board, and signed by the President or Vice-President or one of the ex officio members of the Board, and countersigned by the secretary; and a copy of such rule, order, or regulation, signed and certified by the secretary of the Board, shall be evidence thereof in any court of law or justice.

(3.) It shall be lawful for the Board from time to time to make rules for conducting the business of the Board, and for exercising the powers and authorities thereof.

Transfer of officers.

6.—(1.) The secretary and all officers, inspectors, clerks, and other persons employed at the passing of this Act in or about the execution of the powers and duties of the Board of Supervision, shall, from and after the establishment of the Board, be attached to and be under the control of the Board, and shall in other respects hold their offices and places upon the same terms and conditions, and have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

(2.) The Board may, by order, distribute the business to be performed under the Board amongst the several officers and persons transferred to the Board by this Act, in such manner as the Board may think expedient.

(3.) The Board may, with a view to the proper performance of the duties imposed upon them by this Act, appoint in writing, such medical officers, inspectors, clerks, and other officers, with such salaries to be paid out of moneys to be provided by Parliament, as the Board may, with the sanction of the Treasury, determine.

(4.) All expenses incurred by the Board in the execution of their duties, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

7. In the construction and for the purposes of any Act of Parliament, contract, or other deed, passed, entered into, or executed, or of any action or proceeding raised, before the establishment of the Board, the name of the Board shall be deemed to be substituted for the Board of Supervision, and any act or thing which might, if this Act had not passed, have been done by the Board of Supervision, may be done by the Board. Construction of Acts and deeds, &c.

After the establishment of the Board, all property belonging to or vested in, or held in trust for, the Board of Supervision shall pass to, and vest in, and be held in trust for, the Board, subject to all debts and liabilities affecting the same, and shall be held by the Board for the purposes for which it is now held, or would have been held if this Act had not passed.

PART II.

CONSTITUTION AND ELECTION OF PARISH COUNCILS.

8. A council, in this Act referred to as a parish council, shall be established in every parish. Establishment of parish councils.

9.—(1.) The parish council shall consist of a chairman and councillors, and the number of councillors, including the chairman, shall be such (and in the case of a parish partly landward and partly burghal in such proportion for the landward and the burghal parts respectively) as may from time to time, with the approval of the Board, be fixed :— Number of parish councillors for each parish.

(*a.*) In the case of landward parishes, not including any part of the area of a police burgh, by the county council;

(*b.*) In the case of burghal parishes, by the town council;

(*c.*) In the case of parishes wholly within a police burgh, by the burgh commissioners; and

(*d.*) In the case of parishes partly landward and partly burghal, or including the area or part of the area of a police burgh or burghs, by the county council and town council or councils or burgh commissioners jointly. In such case, failing agreement, the number shall be such and in such proportion as may be fixed by the Board.

(2.) In fixing the number of parish councillors, and the proportion for the landward and burghal parts respectively in parishes partly landward and partly burghal, regard shall be had to the powers and duties of the parish council under this Act, and to the population, and special wants and circumstances, of the parish, and to the division of the parish into parish wards, if it is so divided.

(3.) The number of parish councillors for any parish shall be not fewer than five nor more than thirty-one.

10.—(1.) Subject to the provisions of this Act, a parish council shall be elected by the following persons, in this Act referred to as the parish electors, namely, the persons registered on the parish Electing body.

council register; provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification from voting at an election of a parish council, unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same.

It shall be the duty of the clerk of the parish council, one week before the time fixed for the nomination of candidates for any election of parish councillors in the parish, to prepare a list of parish electors who have failed to make payment of the special rate within such period of one year, and to transmit a copy of such list forthwith to the returning officer; and any votes tendered by any elector named in such list shall at any such election be disallowed, unless the elector verifies, prior to the close of the poll, his right to vote by the production of a receipt duly signed and dated within such period.

(2.) Each parish elector may at any poll for the election of a parish council give one vote, and no more, for each of any number of candidates not exceeding the number to be elected.

(3.) A poll for the election of a parish council shall be taken by ballot.

Married women not disqualified.

11. A woman otherwise possessing the qualification for being registered on any county council or municipal register of electors shall not be disqualified by marriage from being registered on a county council, municipal, or parish council register, provided that a husband and wife shall not both be registered in respect of the same property

Registration of parish electors.

12. With respect to the registration of parish electors, the following provisions shall have effect:—

(1.) A county council register, exclusive of such portions thereof as relate to police burghs, shall be so framed and printed as that, in addition to the other requirements of the law, the county electors may be distinguished therein according to parish wards, if and where a landward parish, or the landward part of a parish partly landward and partly burghal, is divided into parish wards.

(2.) A municipal register shall be so framed and printed as that, in addition to the other requirements of the law, the municipal electors may be distinguished therein—

(*a*) according to parishes, if and where a burgh or police burgh comprises two or more parishes or parts of two or more parishes; and

(*b*) according to parish wards (1) if and where a burghal parish or the burghal part of a parish partly landward and partly burghal is divided into parish wards; and (2) if and where a landward parish or a part of any parish is co-extensive with a police burgh or part thereof and is divided into parish wards.

(3.) Where the boundary of a burgh for municipal purposes extends beyond its boundary as ascertained, fixed, or determined

for police purposes under the provisions contained in any general or local Act of Parliament, the assessor shall, in preparing the municipal register, prefix a distinctive mark to the numbers or names of any municipal electors for the area which is without the police but within the municipal boundary, and the names of any such electors shall not be inserted by the town clerk in the copy of the register provided for by this section, and such electors shall not be entitled to vote as parish electors in respect of their qualification as municipal electors, but may vote as parish electors within a county if duly qualified.

(4.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one parish council register.

(5.) The assessors or other persons charged with the preparation of the county council and municipal registers respectively shall insert in such registers the names of persons duly qualified as parish electors in more than one parish in respect of each of such qualifications, but shall prefix a distinctive mark indicating where such insertion is for the purposes of the parish council register only.

(6.) It shall be lawful to object to the insertion or omission of the distinctive marks in this section mentioned, as nearly as may be in the same manner, and subject to the same provisions as to appeal and otherwise, as in the case of any other entry in or omission from such registers.

(7.) An elector to whose number or name as entered in such registers the distinctive mark, as in sub-section five of this section mentioned, is prefixed, shall not, in respect of such entry, be deemed to be registered as a parliamentary or county or municipal elector, and shall not be entitled to vote in respect of such entry at a parliamentary or county council or municipal election.

(8.) From time to time, as soon as a county council or municipal register is completed, the county clerk or town clerk, as the case may be, shall furnish to the clerks of the several parish councils of parishes wholly or partly within the county or burgh or police burgh a certified copy of so much of such register as relates to their respective parishes, and such copy or copies, so far as relating to a parish, shall, subject to the provisions of section ten of this Act, constitute the parish council register for the parish.

Parish wards.

13.—(1.) The landward part and the burghal part of a parish partly landward and partly burghal shall respectively be parish wards, or shall respectively be divided into two or more parish wards, of the parish.

(2.) A police burgh or any part thereof, so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(3.) A county council electoral division (exclusive of any police burgh or part of a police burgh comprised therein), so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(4.) A county council, on being satisfied after due local inquiry, that within the county, exclusive of any police burgh, different portions of the population of any landward parish, or of any landward part of a parish partly landward and partly burghal, are so situated or have such interests as to make it desirable that they should be separately represented on the parish council, may from time to time resolve and, by order under their seal, determine that such parish, or landward part of a parish, be divided, subject to the provisions of this section, into such and so many parish wards as they may deem expedient, and shall in such order designate each parish ward, and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(5.) The town council of a burgh or burgh commissioners of a police burgh may, if they think fit, from time to time resolve, and by order under their seal determine that any parish or part of a parish within the burgh or police burgh be divided into such and so many parish wards as they may deem expedient, and shall, in making such division, have due regard to the existing division (if any) of the burgh or police burgh into municipal wards, and shall in such order designate each parish ward and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

55 & 56 Vict. c. 55.

(6.) Section eleven of the Burgh Police (Scotland) Act, 1892, shall, subject to the exceptions contained in section five (*a*) and in Schedule Two thereof, be construed to include, and shall, notwithstanding any local Act to the contrary, include, the division into wards, and the revision, alteration, extension, or contraction of the boundaries of the wards, of a burgh, for parliamentary and municipal as well as for police purposes, and that, whether an application has been made for the revision of the boundaries of the burgh or not, provided that any such revision, alteration, extension, or contraction shall not affect the boundaries of any division of such burgh for the purpose of returning a member to serve for such division in Parliament. In this sub-section the expression "burgh" includes police burgh.

(7.) Any county council or town council or burgh commissioners respectively may by order under their seal in terms of the foregoing sub-sections revoke or modify any previous order, or, within the county or burgh or police burgh, cancel or alter any division of a parish into wards in force at the commencement of this Act, but every such division shall, so far as consistent with the provisions of this Act, remain in force until so cancelled or altered.

(8.) A copy of every order made under this section shall be transmitted to the Board within fourteen days after it is made.

(9.) In a parish divided into parish wards, the parish councillors for each parish ward shall be separately elected.

Regulations as to election of parish councillors in landward parish, &c.

14. With respect to the second and subsequent elections of parish councillors for a landward parish, or for the landward part of a parish partly landward and partly burghal, the following provisions shall, except within parishes or parts of parishes

co-extensive with police burghs or parts of police burghs, have effect:—

(1.) The election of such parish councillors shall take place in every third year, beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of county councillors for the county in which such parish or part of a parish, as the case may be, is situated, or if there is a contested election for parish councillors, but there is no contested election for county councillors in the county council electoral division or divisions corresponding to such parish or part of a parish, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions.

(2.) The expenditure incurred in the election of such parish councillors as ascertained and apportioned by agreement between the county council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the county council by such parish council or councils.

(3.) From and after such second election, the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election.

(4.) The enactments regulating the election of county councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case such parish, or part of a parish, is situated in more counties than one, the provisions of this section shall apply with the necessary variations and subject to such regulations as may be made by any order of the Board, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the county council of every county to make due provision for the election of such parish councillors.

(7.) A county council may refer to the Board any question that may arise as to the performance of the duty of such county council under this section, and the determination of the Board, as signified by order thereon, shall be final.

Regulations as to election of parish councillors in burghal parish, &c.

15. With respect to the second and subsequent elections of parish councillors for a burghal parish, or for the burghal part of a parish partly landward and partly burghal, the following provisions shall have effect:—

(1.) The election of such parish councillors shall take place in every third year, beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of town councillors for such burgh, or if there is a contested

election for parish councillors, but there is no contested election for town councillors in such burgh or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors in such burgh, or in a ward or wards thereof.

(2.) The expenditure incurred in the election of such parish councillors, as ascertained and apportioned by agreement between the town council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the town council by such parish council or councils.

(3.) From and after such second election the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election: Provided that the term of office of parish councillors elected for such burghal part of a parish shall not commence until the first Tuesday of December following their election.

(4.) The enactments regulating the election of town councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case the burghal part of a parish is situated in more burghs than one, the provisions of this section shall apply with the necessary variations, and subject to such regulations as may be made by any order of the Board, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the town council of every burgh to make due provision for the election of such parish councillors.

(7.) A town council may refer to the Board any question that may arise as to the performance of the duty of such town council under this section, and the determination of the Board, as signified by order thereon, shall be final.

The foregoing provisions shall apply to the second and subsequent elections of parish councillors in parishes or parts of parishes co-extensive with police burghs or parts thereof, with the omission of the words "burghal," and with the substitution of the expression "police burgh" for "burgh," and "burgh commissioners" for "town council" or "town councillors."

Notice of election and nomination papers, &c.

16. The enactments by the principal Act or this Act applied to the election in a county of county councillors and in a county (except within parishes or parts of parishes co-extensive with police burghs or parts of police burghs) of parish councillors, shall, for the purposes of such election, be construed or amended so as to incorporate the following provisions, which are hereby enacted, that is to say:—

(1.) The notice of election shall be given by the returning officer not later than four o'clock afternoon on the third Tuesday preceding the day of election, and the nomination papers shall

be lodged with the returning officer at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election; and sub-section four of section thirty of the principal Act is hereby repealed. Every nomination paper shall be signed by the candidate nominated or by some person duly authorised in that behalf.

(2.) It shall not be necessary to publish the names of candidates for a parish council elsewhere than in the parish, but the returning officer may, if he think it expedient, publish them in any manner in which he publishes the names of candidates for the county council.

(3.) Any intimation made to a returning officer of the nomination of a candidate for election shall be competently withdrawn by giving notice of withdrawal to the returning officer not later than four o'clock afternoon on the Tuesday immediately preceding the day of election, and such notice of withdrawal shall be signed by the person nominated or by some person duly authorised in that behalf, provided that no such withdrawal shall be competent when its effect would be to reduce the total number of persons nominated for such election in a county electoral division or parish or parish ward below the number necessary to supply the vacancies to be filled, and provided also that such notices shall take effect in the order in which they are delivered.

Powers and duties of returning officer.

17.—(1.) A returning officer shall make and publish such arrangements as he shall think fit for the purpose of enabling nomination papers for the election of parish councillors, and notices of withdrawal, to be obtained, and when filled up to be received and dealt with, at some place within or adjoining the parish, and for that purpose may, by writing under his hand, delegate such of his powers as he shall think necessary to the clerk of the parish council of the parish or other fit person.

(2.) The returning officer or officers, as the case may be, shall after an election give intimation in writing forthwith to the clerk of the parish council of the persons elected as parish councillors, and the said clerk shall in each year, by notice in writing to each parish councillor, summon the statutory meeting of the parish council. The notice shall state the hour and place of meeting.

(3.) A nomination paper shall be competently signed by any two parish electors entitled to vote for the candidate nominated.

(4.) The intimation of nomination, and notice of withdrawal respectively, may be in the form of the Second and Third Schedules to this Act annexed.

Supplemental provision as to elections.

18. If a parish council are not elected at the time at which they ought to be elected or if an insufficient number of councillors is elected, or if a parish council become unable to act by reason of deficiency in the number of councillors, whether from failure to elect or otherwise, the Board may order, at such time and in such manner as seems expedient, a new election of a councillor or councillors for the parish or for a ward or wards thereof, and shall by order make such provision as seems expedient for authorising

any person to act temporarily in the place of the parish council. If two or more candidates receive an equal number of votes, being more than can be elected, the returning officer shall have the casting vote.

Office of parish councillor and regulations regarding parish council

19.—(1.) A parish council shall be elected from among the parish electors.

(2.) A parish council may, subject to the provisions of this Act, from time to time make, vary, and revoke such regulations as they think fit with respect to the summoning notice, time, place, and management of their meetings, or of the meetings of any committee of the council, and generally with respect to the conduct of their business: Provided that a casual vacancy in a parish council or a vacancy in the office of chairman shall not be filled unless notice, specifying that such vacancy is to be considered, has been issued to each councillor at least seven days before the meeting. A parish council may appoint a clerk; but failing such appointment the inspector of the poor of the parish shall act as clerk of the parish council, and where no clerk is appointed, any reference in this Act to the clerk of the parish council shall be deemed to include a reference to the inspector of the poor of the parish. Such clerk (if any) shall be paid such reasonable salary as the parish council may think proper, and shall hold office during the pleasure of the council.

(3.) The quorum of a parish council shall be one fourth of the whole number of the council, but shall in no case be less than three.

(4.) Subject to the provisions of this Act, a casual vacancy in a parish council, or in any office to which the parish council appoint a representative from their own number, caused by death, resignation, or disqualification, shall, as soon as practicable, be filled by the parish council, but the person filling any such vacancy shall hold office so long only as the vacating councillor would have retained the same if such vacancy had not occurred.

(5.) The parish council shall elect a chairman from their own number and should the chairman be absent from any meeting of the council the councillors shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman during the tenure of office of the council it shall be supplied by a new appointment, and at every meeting the chairman shall have a deliberative, as also in cases of equality a casting, vote.

(6.) The term of office of such chairman shall not extend beyond the next statutory meeting after his election, and his place shall be filled by election at a meeting of the parish council, in this Act referred to as the statutory meeting, to be held in each year after the year one thousand eight hundred and ninety-five on any lawful day within ten days after the first Tuesday of the month of December. The chairman shall be eligible for re-election.

(7.) The representative from a parish council on a district committee of a county council, or on the county council sitting as a district committee where a county is not divided into districts, shall, subject to the provisions of section seventy eight of the principal

Act, be appointed annually at the statutory meeting of the parish council from their own number: Provided always that, in the case of parishes partly landward and partly burghal, he shall be appointed by the landward committee from their own number.

20.—(1.) A person shall be disqualified for being elected, and for being, a member of a parish council, if and while he— Disqualification for parish councils

(*a*) holds any office or place of profit under the parish council or any committee thereof, or

(*b*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, the parish council or any committee thereof.

(2.) But a person shall not be disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

(*a*) any lease, sale, or purchase of land, or water, or right of water supply, or any agreement for the same; or

(*b*) any agreement for the loan of money, or any security for the payment of money only; or

(*c*) any newspaper in which any advertisement relating to the affairs of the parish council or any committee thereof is inserted, or

(*d*) any company which contracts with the parish council, or any committee thereof, for lighting or supplying with water, or insuring against fire, any property of the parish council; or

(*e*) any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or for the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or

(*f*) any railway company or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Acts, 1862 to 1890:

Provided that no parish councillor shall vote or act in any matter in which he has a pecuniary interest.

(3.) No person shall be disqualified by sex or marriage for being elected, or being, a member of a parish council, or for being appointed a representative of that council on a district committee of a county council, or on a county council where a county is not divided into districts.

PART III.

POWERS AND DUTIES TRANSFERRED TO PARISH COUNCILS

21. On and after the fifteenth day of May in the year one thousand eight hundred and ninety-five, all enactments regulating the constitution and election of parochial boards shall be repealed, and the parochial board of any parish shall continue to hold office only until the said day, and no longer; and on and after such day, every reference in any Act of Parliament, scheme, Parochial boards to cease.

deed, or instrument to a parochial board constituted under the law in force at the passing of this Act, shall be read and construed as referring to a parish council constituted under this Act.

Parish councils to take the place of parochial boards.

22. A parish council shall, subject to the provisions of this Act, come in place of a parochial board and shall be deemed to be a continuance thereof, and a parish council shall have and may exercise all the powers and duties, and shall be subject to all the liabilities of a parochial board, and all the provisions of any Act of Parliament in force at the passing of this Act relating to or dealing with the powers and duties of parochial boards, and the appointment, powers, and duties of their officers, in so far as not inconsistent with this Act, shall subsist and have effect.

PART IV.

NEW POWERS CONFERRED UPON PARISH COUNCILS IN LANDWARD PARISHES AND LANDWARD PARTS OF PARISHES.

Landward committees to be constituted in certain parishes.

23.—(1.) In this Part of this Act the expression parish council does not include the parish council of a burghal parish.

(2.) For the purpose of exercising and performing the powers and duties conferred and imposed by this Part of this Act, in the case of a parish which—

(*a*) is partly landward and partly burghal; or

(*b*) comprises a police burgh or part of a police burgh,

there shall be a committee of the parish council, in this Act referred to as the landward committee, which shall in every case consist of the whole number of parish councillors for such parish, excepting only the councillors representing the burghal part of the parish, or such police burgh, or part of a police burgh; and, in the case of such parishes, the powers (except the power to raise money by rate or loan) and duties conferred and imposed on a parish council by this Part of this Act, shall be exercised and performed by the landward committee, which for such purpose and for the purpose of the Public Libraries Consolidation (Scotland) Act, 1887, shall be deemed to be the parish council of the parish, and which may sue and be sued as such landward committee. For such purpose, such burghal part and such police burgh or part of a police burgh shall be deemed to be outwith such parish, and shall not be rated by the parish council.

50 & 51 Vict. c. 42.

Provided that where, in terms of section nine of this Act, a landward committee would consist of less than five members, the Board may, if they deem it expedient with a view to the proper transaction of business, by order provide for the election, along with, and subject to the same provisions as, the election of parish councillors, of such additional number of members of such landward committee as shall be named in the order. In such case, if the election of the landward committee takes place according to parish wards, at least one member shall be added for each ward. Such landward committee, as increased, shall appoint from their own number to the parish council the requisite number of parish

councillors, as determined in terms of section nine of this Act, and shall fill any casual vacancy occurring in the number of such parish councillors or in the landward committee.

(3.) A landward committee may exercise and perform their powers and duties under this Part of this Act without reference to and without the approval of the parish council. The provisions of sub-sections two, three, five, and six of section nineteen of this Act shall apply to a landward committee with the substitution of the expression "landward committee" for "parish council" occurring therein.

(4.) Where the population of the landward part of a parish partly landward and partly burghal, exclusive of any police burgh or part of a police burgh comprised therein, does not exceed one hundred, a landward committee, as provided for in sub-section two of this section, shall not be constituted unless and until the Board shall so order on the application of not fewer than five parish electors residing within such landward part.

Additional powers of parish councils.

24.—(1.) A parish council shall have the following powers, namely, power—

(*a*) to provide or acquire buildings for public offices and for meetings, and for any purposes connected with parish business, or with the powers or duties of the parish council, and to provide or acquire land for such buildings; and

(*b*) to provide, or acquire, maintain, lay out, and improve grounds for public recreation; and

(*c*) to acquire by agreement any right of way, whether within the parish or in an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or of any part thereof; and

(*d*) to accept and hold any gifts of property for the benefit of the parish; and

(*e*) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any property of the parish council; and

(*f*) to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council, or other authority or person, to do or contribute towards the expense of doing, any of the things above mentioned.

(2.) A parish council may let, sell, or exchange any land or buildings provided or acquired under this Part of this Act, and vested in the council, but the power of letting for more than a year and the power of sale or exchange shall not be exercised without the consent of the Board.

(3.) With a view to the due enforcement of the provisions of the Public Health Acts, a parish council shall have and may exercise, within, or in respect to, the parish the same powers as are conferred upon any two householders by section ninety-six of the Public Health (Scotland) Act, 1867, and upon any five ratepayers by section seventeen of the principal Act, and upon a county

30 & 31 Vict. c. 101.

council by sub-section (2) of section fifty-three of the principal Act

(4.) A parish council shall have the same power of making a representation with respect to allotments as is conferred on parliamentary electors by the Allotments (Scotland) Act, 1892.

55 & 56 Vict. c. 54

After a parish council is elected for any parish, the powers and duties of allotment managers under the Allotments (Scotland) Act, 1892, shall, in relation to allotments provided for the parish, be exercised and performed by the parish council, without any appointment

(5.) A parish council shall have the same power of presenting a petition with regard to a demand for small holdings in a county as is conferred on any one or more county electors by the Small Holdings Act, 1892, and in lieu of the triennial election by the county electors provided by section twenty-four of the said Act, the parish council of the parish in which the holdings are situated shall appoint two representatives from their own number to serve as members of the committee of the county council.

55 & 56 Vict. c. 31

(6.) A parish council shall have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890.

53 & 54 Vict c. 70.

Powers for acquisition of land

25.—(1.) For the purpose of the acquisition of land by a parish council, the Lands Clauses Acts shall be incorporated with this Act, except the provisions of these Acts relating to the purchase and taking of land otherwise than by agreement.

(2.) If a parish council are unable to acquire by agreement, and on reasonable terms, suitable land for any purpose for which they are authorised and desire to acquire it, they may make a representation to the county council, and the county council shall inquire into the representation.

(3.) If on any such representation, a county council are satisfied that suitable land for the purpose of the parish council cannot be acquired on reasonable terms by voluntary agreement, and that the circumstances are such as to make it proper that the county council should proceed under this section, they shall publish once at least in each of two consecutive weeks in some newspaper circulating in the locality, an advertisement stating shortly the purpose for which the land is proposed to be taken, mentioning a place at which a plan of the proposed works, if any, may be seen at reasonable hours, and stating the quantity of land that is required. Thereafter they shall cause public inquiry to be made in the parish, and notice to be given, both publicly in the parish and severally to the owners, lessees, and occupiers of the land proposed to be taken, either by delivery at, or by post in a registered letter addressed to, the usual or last known place of abode of such owners, lessees, and occupiers, and all persons whose interests would be affected shall be permitted to attend at the inquiry, and to support or oppose the taking of the land.

(4.) After the completion of the inquiry, and after considering all objections made by any persons whose interests would be

affected, the county council may make an order for putting in force, with respect to the said land or any part thereof, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(5.) If in any case the county council refuse to make such order, the parish council may appeal to the Board, and the Board after local inquiry may make the order, and this section shall apply as if the order had been made by the county council. Any order made under this sub-section overruling the decision of the county council shall be laid before Parliament.

(6.) A copy of any order made under this section shall be served by the county council in the manner in which and upon the person or persons upon whom notices in respect of such land are herein-before required to be served, together with a statement that the order will become final and have the effect of an Act of Parliament, unless within a period of one month after such service, a memorial by some person whose interests would be affected is presented to the Board, praying that the order shall not become law without further inquiry.

(7.) The order shall be deposited with the Board, who shall inquire whether the provisions of this section have been in all respects complied with; and if the Board are satisfied that this has been done, then, after the expiration of the said period of one month—

(*a*) if no memorial has been presented, or if every such memorial has been withdrawn, the Board shall without further inquiry confirm the order:

(*b*) if a memorial has been presented, the Board shall proceed to hold a local public inquiry, and shall, after such inquiry, either confirm, with or without amendment, or disallow the order:

(*c*) upon any such confirmation, the order, and if amended as so amended, shall become final, and have the effect of an Act of Parliament, and the confirmation by the Board shall be conclusive evidence that the order has been duly made, and is within the powers conferred by this Act, and that the requirements of this Act have been complied with.

Provided always that the Board may, and when required within the said period of one month by any party interested who has presented a memorial against the order shall, state a special case on the question whether the proposed order is within the powers conferred by this Act for the opinion of either division of the Court of Session, who are hereby authorised finally to determine the same along with any question of expenses.

(8.) Where the Board are authorised, or required, to make any inquiry under this section, they may cause such inquiry to be made by any inspector or officer of the Board, or by any other person specially nominated in writing by the Board, and such inspector or officer or person shall be entitled to summon witnesses, and examine them on oath, and to call for the production of books, documents, and accounts. The costs incurred in relation to such inquiry,

including the remuneration of any person specially nominated to hold the same, not exceeding three guineas a day, shall be paid by the county councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the said Board may certify the amount of the costs incurred, and any sum so certified shall be a debt to the Board from the county council or authority directed to pay the same.

(9.) The order shall be carried into effect by the county council.

(10.) Any order made under this section for the purpose of the purchase of land otherwise than by agreement, shall incorporate the Lands Clauses Acts, and section six and sections seventy to seventy-eight (both inclusive) of the Railways Clauses (Scotland) Consolidation Act, 1845, with the necessary adaptations: Provided that—

8 & 9 Vict c. 33.

(*a*.) Any question of disputed compensation shall be referred to the arbitration of a sole arbiter appointed by the parties, or if the parties do not concur in the appointment of a sole arbiter then, on the application of either of them, by the Board, and the remuneration to be paid to the arbiter appointed by the Board shall be fixed by the Board. An arbiter appointed under this sub-section shall be deemed to be an arbiter within the meaning of the Lands Clauses Acts, and the provisions of these Acts with respect to an arbitration shall apply accordingly; and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final. and

(*b*.) In determining the amount of disputed compensation, the arbiter shall not make any allowance in respect of the purchase being compulsory.

(*c*.) The parish council shall make and shall jointly with the proprietor maintain sufficient fences for separating the land taken from the lands not taken.

(*d*.) In construing for the purposes of this section any section or Acts incorporated with or put in force under this section, this Act, together with any order under this section, shall be deemed to be the special Act.

(11.) At any inquiry or arbitration held under this section, the person or persons holding the inquiry or arbitration, shall hear any authorities or parties whose interests would be affected, by themselves or their agents, and may hear witnesses, but shall not, except with consent of the Board, hear counsel or expert witnesses.

(12.) A person holding a public inquiry for the purposes of this section on behalf of the county council shall have the same powers as, and may receive remuneration not exceeding that payable to, a person specially nominated by the Board to hold such an inquiry under this section

(13.) The county council or Board, as the case may be, shall not make any order for purchasing the whole or any part of any park,

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garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway company or canal company which is or may be required for the purposes of their undertaking, or any land which in the opinion of the county council or Board is being held and may be required for the extension of a factory or public work.

(14.) The county council or Board, as the case may be, shall in making an order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, so far as is practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

(15.) Any land acquired under this section shall be vested in the parish council.

(16.) The expenses of a county council incurred under this section shall be defrayed by the parish council.

(17.) The Board shall in their annual report include a statement of any proceedings under this section.

Leasing of land for allotments or common pasture.

26.—(1.) A parish council shall have power to take land on lease for allotments or, not exceeding twenty acres in extent, for common pasture, and if they are satisfied that allotments or common pasture are required, and are unable to obtain on lease by agreement on reasonable terms suitable land for allotments or for common pasture, they shall represent the case to the county council, and the county council may, subject to the restrictions in this section, make an order authorising the parish council to take on lease compulsorily for allotments, for a period of not less than ten years nor more than thirty-five years, such land in or near the parish as is specified in the order, and the order shall, as respects confirmation and otherwise, be subject to the like provisions as if it were an order of the county council made under the last preceding section of this Act, and that section shall apply as if it were herein re-enacted with the substitution of taking on lease for purchase, and with the other necessary modifications.

(2.) A sole arbiter, who shall be appointed in accordance with the provisions of the preceding section, and to whom the provisions of that section shall apply, shall have power to determine any question—

(*a*) as to the terms and conditions of the proposed lease; or

(*b*) as to the amount of compensation for severance; or

(*c*) as to the compensation payable to any tenant in respect of the land taken forming part of an existing tenancy; or

(*d*) as to the apportionment of the rent between the land taken by the parish council and the land retained by the tenant; or

(*e*) as to any other matter incidental to the taking on lease of the land by the council, or the surrender thereof at the end of their tenancy;

but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory.

(3.) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused

by the withdrawal from the holding of the land taken on lease by the parish council, shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the parish council for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the parish council: Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant.

(4) The award of the arbiter, or a copy thereof, together with a report signed by him as to the condition of the land taken by the parish council, shall be deposited and preserved with the public books and papers of the parish council, and any person interested shall at all reasonable times be at liberty to inspect the same, and to take copies thereof.

(5.) Save as herein-after mentioned, sections five to eight inclusive, and section fourteen and the proviso to section twelve of the Allotments (Scotland) Act, 1892, shall apply to any allotment taken on lease by a parish council in like manner as if that council were the local authority and also the allotment managers:

55 & 56 Vict c 54.

Provided that the parish council—

(*a*) may let to one person an allotment or allotments exceeding one acre, but, if the land is taken on lease compulsorily, either not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture, or not exceeding four pounds in annual value, and

(*b*) may permit to be erected, on the allotment, any stable, byre, or barn: Provided that such stable, byre, or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the determination of the tenancy, and

(*c*) shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.

(6) On the determination of any tenancy created by a compulsory lease, a sole arbiter who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply, shall have power to determine the amount due by the landlord for compensation for improvements, or by the parish council for depreciation.

(7.) The order for compulsory taking on lease may apply, with any adaptations which may be prescribed by general or special order of the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) as appear to the county council or Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land and of the parish council

(8) Nothing in this section shall authorise the compulsory taking on lease of any mines or minerals, or confer the right to take, sell, or carry away, any stone, gravel, sand, or clay, or authorise the taking on lease of any land which is already owned, or

occupied, as a small holding within the meaning of the Small Holdings Act, 1892, or under the Crofters Holdings Act, 1886, or any Act amending the same. 55 & 56 Vict. c. 31. 49 & 50 Vict. c. 29.

(9.) If the land taken on lease under this section shall at any time, during the tenancy thereof by the parish council, be shown to the satisfaction of the county council to be required by the landlord for the purpose of working and winning the mines, minerals, or surface minerals thereunder, or for feuing for building, or for any road or work to be used in connexion with such working or winning or feuing, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the parish council twelve calendar months previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the parish council and to the allotment holders of the land for the time being such sum by way of compensation for the loss of such land for the purposes of allotments as may be agreed upon by the landlord and the parish council, or, in default of such agreement, as may be awarded by a sole arbiter, who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply.

The word "landlord" in this sub-section means the person for the time being entitled to receive the rent of the land taken on lease by the parish council.

(10.) The Board shall in their annual report include a statement of any proceedings under this section.

Special parish rate may be levied.

27.—(1.) A parish council may for the purposes of this Part of this Act (including any annual charge, whether of principal or interest, in respect of any loan), levy within the parish a rate not exceeding sixpence in the pound on the annual value of the lands and heritages within such parish, as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, in this Act referred to as the special parish rate. 8 & 9 Vict. c. 83.

(2.) Such special parish rate shall, subject to the provisions of this Act, be levied and collected along with, and as an addition to, the poor rate, and with the same remedies and modes of recovery, but in the demand note the special parish rate shall be separately set forth and demanded.

Provided that, in parishes where no poor rate is levied, or where the poor rate is imposed according to the provisions of a local Act, or according to established usage, such special parish rate shall be levied according to the mode of assessment specified in section thirty-four of the Poor Law (Scotland) Act, 1845.

(3.) In parishes in which powers and duties are exercised and performed under this Part of this Act by a landward committee, such landward committee shall annually, and not later than the twelfth day of June in each year, certify to the parish council the amount, if any, required to be provided by means of a special parish rate, and the parish council shall, as soon as may be, pay to the landward committee such amount.

Borrowing for this Part of Act.

28.—(1.) A parish council, acting under this Part of this Act may, for any of the following purposes, that is to say—

(*a*) for purchasing any land, or erecting any buildings, which they are authorised to purchase or erect; and

(*b*) for any permanent work or other thing which they are authorised to execute or do, and the cost of which ought, in the opinion of the Board, to be spread over a term of years;

borrow money, with the consent of the Board.

(2.) In parishes where powers and duties under this Part of this Act are exercised and performed by a landward committee, it shall be the duty of the parish council to transmit to the Board any recommendation of the landward committee for the raising of a loan in terms of this section; and, provided the necessary consent be given, to raise the loan accordingly.

(3.) Any loan under this Part of this Act shall be made on the security of the special parish rate.

(4.) A county council may lend to a parish council any money which the parish council are authorised to borrow under this Part of this Act, and may, if necessary, raise the money by loan.

(5.) A loan raised by a parish council under this section shall be repaid—

(*a*) if for the purchase of land or the erection of buildings, within such period not exceeding forty years; and

(*b*) if for any other purpose, within such period not exceeding thirty years

as the Board may determine in each case.

(6.) A parish council shall pay off every loan under this section, either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with regulations which may from time to time be made, in that behalf, by the Secretary for Scotland.

Maintenance of public ways.

41 & 42 Vict. c. 51.

29. A parish council may repair and maintain all or any of the public ways (not being highways or footpaths at the side of a highway within the meaning of the Roads and Bridges (Scotland) Act, 1878) within the parish, and the expense of such repair and maintenance shall be defrayed out of the special parish rate, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance; and such repair or maintenance shall not involve the parish council in any liability for damages to person or property resulting from the condition in which any such way may be maintained.

PART V.

PARISH TRUSTS.

Powers of parish councils over

30.—(1.) When trustees hold any property wholly or mainly for the benefit of the inhabitants of a single parish or any of them, as

such inhabitants, or for any public purpose connected with a single parish other than—

parish charities and churchyards.

(*a*) for an ecclesiastical charity;

(*b*) for an educational endowment within the meaning of the Educational Endowments (Scotland) Act, 1882, or

45 & 46 Vict. c. 59.

(*c*) for the use or benefit of the poor of the parish within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845,

8 & 9 Vict. c. 83.

they may transfer the property to the parish council of the parish, or to persons to be from time to time appointed by that council, and the parish council, if they accept the transfer, or persons whom they appoint, shall hold the property on the trusts and subject to the conditions on which the trustees hold the same.

(2.) In the event of any such property not being transferred to the parish council under and subject to the provisions of the preceding sub-section, the parish council of the parish concerned may from time to time appoint such number of additional persons to act along with the trustees of the said property, as the trustees and the parish council may agree upon, or in default of such agreement as may be approved by the Board in each case: Provided that where the trustees of any such property are elected by, or include persons elected by, parish electors or inhabitants of the parish, or are members of the county or town council, or are burgh commissioners, the provisions of this sub-section shall not apply unless the Board by order so prescribe.

(3.) Where the trustees of any such property are the kirk session, or the heritors and kirk session, of any parish, or the kirk session or deacon's court, or managers, or vestry of a congregation belonging to any religious denomination to the number, whether alone or conjoined with others, of not less than six persons, the said trustees shall from time to time appoint certain of their own number, not exceeding three, and the parish council of the parish shall from time to time appoint such number of additional persons as the Board may in each case approve, to act together as a committee of management of the said property, and such management shall be transferred to the committee accordingly.

(4.) Where trustees hold any property for the benefit of the inhabitants of, or for any public purpose (other than as herein-before mentioned) connected with, two or more parishes, the parish councils of the parishes concerned may, if the Board so decide, from time to time appoint, in such manner or rotation and subject to such conditions as may be prescribed in any order of the Board, such number of additional persons to act along with the trustees of the said property as may be approved by the Board in each case.

(5.) The term of office of a trustee appointed under this section shall be not longer than three years, but a trustee shall hold office until his successor is appointed, and shall be eligible for re-appointment.

(6.) The heritors of any parish may transfer the property of any churchyard which they hold to the parish council, and the parish council, if they accept such transfer, shall thereafter hold such

churchyard for the same purposes and subject to the same rights for and subject to which it was held by such heritors, and shall have and may exercise and perform all the powers and duties before such transfer vested in or imposed on such heritors in relation to the churchyard transferred (except any power or duty of enlarging or extending such churchyard and assessing for the cost of such enlargement or extension): Provided that the costs of maintenance and management of such churchyard after such transfer shall, if and so far as they require to be defrayed out of any rate, be a charge upon the poor rate: and provided also that such transfer shall not alter or transfer any liability to assess for the repayment of any debt or the incidence of any assessment levied for such repayment. After such transfer the powers and duties transferred shall no longer be exercised and performed by such heritors.

(7.) The Board may by order prescribe rules (1) as to the form in which the accounts of any property dealt with in this section shall be kept, and (2) as to the publication of the said accounts.

(8.) Whilst a person is trustee of any property or revenues falling within the provisions of this section, he shall not, nor shall his wife or any of his children, receive any benefit therefrom.

(9.) The provisions of this section with respect to the appointment of trustees shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor, or by several donors, any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

PART VI.

SUPPLEMENTAL.

Use of schoolrooms.

31. The parish electors on the application of not fewer than six of their number and the parish council (including a landward committee) shall be entitled to use, free of charge, at all reasonable times, except during ordinary school hours, and after reasonable notice, for any purpose under this Act, or under the Poor Law (Scotland) Act, 1845, the Education Acts, or the principal Act, including public meetings in connexion with the candidature of any person for the county council or the parish council, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any rate levied by the parish council.

8 & 9 Vict. c. 83.

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house.

Provided also that any expense reasonably incurred by the person or persons having control over the room, or any damage done to the room or its contents in consequence of its being so used, shall be defrayed by such parish electors or the parish council who,

when the meeting is called for the purposes of any candidature, shall be entitled to recover such expense from the person or persons calling the meeting.

32. Every parish council elected in pursuance of this Act shall be incorporated under the name of the parish council of the parish, with power to sue and be sued, and shall have perpetual succession. Incorporation of parish council.

33. A parish council may from time to time appoint, from their own number, committees for the exercise of any powers which can properly be exercised by committees, and no committee of a parish council shall unless re-appointed hold office beyond the next statutory meeting of the council following its appointment, provided that a parish council shall not delegate to a committee any power of raising money by rate or loan. Committees of parish councils.

34. Any parish councils, or parish councils and county councils or district committees or town councils or burgh commissioners, may, from time to time, join in appointing, out of their respective bodies, a joint committee for any purpose of this Act in which they are jointly interested, and the provisions of section seventy-six of the principal Act, with regard to the appointment and powers of joint committees of county councils, or of county councils and town councils, shall, with the necessary variations, apply to joint committees appointed under this section. Appointment of joint committees.

35.—(1.) (*a.*) All receipts of a parish council relating to or arising out of powers transferred to them by Part III. of this Act shall be carried to a general parish fund; and Parish accounts.

(*b.*) All receipts of a parish council or landward committee in relation to or arising out of powers conferred upon them by Part IV. of this Act shall be carried to a special parish fund; and

(*c.*) All payments in relation to or arising out of the said powers respectively shall be made out of the said funds respectively.

A separate bank account shall be kept for each fund and all cheques for payment of moneys shall be signed by two members of the parish council or landward committee, as the case may be, and be countersigned by the clerk. The Board shall make rules as to the method in which payments shall be made by a parish council and by a landward committee.

(2.) A parish council and a landward committee shall keep such accounts of the above-mentioned funds, and of the sums raised by rates, as will prevent a rate from being applied to any purpose to which it is not properly applicable. The Board shall prescribe forms in which such accounts shall be kept.

36. The provisions contained in sections sixty-eight to seventy inclusive of the principal Act with respect to the making up and auditing of the accounts of a county council shall, with the substitution of "parish council" for "county council," and "clerk of the parish council" for "county clerk," and "parish" for "county" or "burgh," and "the Board" for "the Secretary for Scotland," apply to the making up and auditing of the accounts Audit of accounts.

of a parish council, including those of a landward committee, subject to the following provisions, that is to say:

(1.) The accounts of the parish council shall be audited by an auditor appointed by the Board.

(2.) The Board may, by order, prescribe rules modifying the enactments as to the time and place of audit.

(3.) The Board may prescribe a scale for the remuneration of auditors in respect of their duties under this section.

(4.) The accounts of a parish council shall be transmitted annually by the clerk of the council as soon as may be after the fifteenth day of May but not later than the first day of August to the auditor appointed by the Board.

Local annual budget.

37. At a meeting in the month of July in each local financial year every parish council shall cause to be submitted to them the estimates of the receipts and expenditure of such council, including those of a landward committee or other committee thereof, during that financial year, whether on account of property, contributions, rates, loans, or otherwise, and shall revise such estimates (other than those of any landward committee), and authorise such expenditure and make such provision for meeting the same, as they shall approve.

Borrowing by parish councils.

8 & 9 Vict. c. 83.

38.—(1.) If and so long as the amount of loans owing by any parish council for the time being exceeds one fifth of the annual value of the lands and heritages within such parish as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, no further loan, other than a temporary loan in terms of section eighty-nine of the said Act, shall be raised by such parish council without the consent of the Board.

(2.) Where money has been borrowed by a parish council, or by a parochial board, the parish council shall, until the loan has been extinguished, within twenty-one days after the expiration of each local financial year, transmit to the Secretary for Scotland a return in such form, and verified in such manner, as he may from time to time prescribe, showing the amount of the loan still outstanding, and the steps which have been taken to comply with the provisions of this or any other Act in regard to its payment and discharge.

Duty of Board and of county and town councils and burgh commissioners to bring Act into operation.

39.—(1.) It shall be the duty of the Board, and of every county council and town council, and of burgh commissioners in a police burgh, to exercise all powers which may be requisite for bringing this Act into full operation as soon as may be after the passing thereof.

(2.) Where the Board are authorised or required by any Act to make or confirm any order, rule, or regulation, or to give any consent, sanction, or approval, or otherwise to act, they may cause a local inquiry to be held in terms of sub-section eight of section twenty-five of this Act, and the provisions of that sub-section shall apply accordingly.

Chairman of district committee and of parish council to be justice.

40. The chairman of a district committee and the chairman of a parish council, unless a woman or personally disqualified by any Act, shall by virtue of their office be justices of the peace for the county in which the district or parish is situate.

41. If a parish councillor is absent from meetings of the parish council for more than six months consecutively, then, except in case of illness, or for some reason approved by the parish council, his office shall, on the expiration of the said six months, become vacant, and the vacancy may be filled as a casual vacancy. Absence from meetings.

42.—(1.) It shall be the duty of a town council or in a police burgh of the burgh commissioners, and of a district committee, and, where there is no district committee, of the county council, to assert, protect, and keep open and free from obstruction or encroachment any right of way, whether wholly within or partly within and partly without the burgh, police burgh, district, or county respectively, which it may appear to them respectively that the public have acquired by grant, prescriptive use, or otherwise, and they may respectively, for the purpose of carrying this section into effect, institute and defend any legal proceedings and generally take such steps as they may deem expedient. Protection of rights of way.

(2.) Where a parish council, or any six parish electors, of a parish have represented to the district committee or, where there is no district committee, to the county council, that any public right of way within the district, or beneficial to any inhabitants of the district, has been or is likely to be shut, or obstructed, or encroached upon, it shall be the duty of the district committee, or, where there is no district committee, of the county council, if they are satisfied that the representation is well founded, to take such proceedings as may be requisite for the vindication of the right of way, and if the district committee refuse or fail to take proceedings in consequence of such representation, the parish council, or the electors who made the representation, may petition the county council, and if the county council so resolve, the powers and duties of the district committee under this section, in relation to such right of way, shall be transferred to the county council.

(3.) Any expenditure incurred by a county council or a district committee thereof in connexion with any legal or other proceedings, under the two preceding sub-sections, or either of them, shall be defrayed out of the road rate for the district, or, where a county is not divided into districts, out of the road rate for the county. Provided always, that any litigant who is successful against the county council or district committee shall not be assessed for such portion of the road rate as is rendered necessary by such expenditure.

(4.) Within a county, district, or parish respectively it shall be in the power of the county council, or district committee, or parish council, and of any member or members of the public, with the consent of any one of these bodies, to erect and maintain guide posts and direction notices upon any right of way.

43. Any heir of entail in possession of land in Scotland, and the trustee, tutor, and curator of such heir of entail, if in minority or subject to any legal incapacity, may give and grant to a parish council, or to the commissioners of a police burgh, land belonging to the entailed estate to be used for public recreation, but not exceeding in the whole twenty acres: Provided that no such grant shall Power to heirs of entail to grant land belonging to an entailed estate.

be effectual unless the heir of entail next in succession of lawful age and any persons in right of heritable securities or other charges affecting such land shall consent thereto, or unless, in the event of the persons in right of such heritable securities or other charges refusing such consent, the sheriff, upon the application of the heir of entail in possession, duly intimated to such persons (who shall be entitled to appear and object), shall have found that the lands comprised in such heritable securities or charges, other than the lands proposed to be granted, afford adequate security; and the land so given and granted shall not be liable to nor affected by any other rights, titles, trusts, interests, or incumbrances to, in, or upon the same whatsoever, and such heir of entail shall not thereby be subject to nor incur any forfeiture or irritancy under the entail thereof: Provided always, that such land shall not be within a quarter of a mile of the mansion house in the natural possession of the proprietor, or part of any gardens, orchards, or enclosures adjacent to the mansion house which have usually been in the natural possession of the proprietor.

Formation of lighting and scavenging districts, and provision of public baths.

44.—(1.) It shall be lawful in a county for a parish council or for any two or more parish councils, or for not fewer than ten parish electors of any landward parish or of the landward part of any parish partly landward and partly burghal, to make a requisition in writing to the district committee of the county council, or when a county is not divided into districts to the county council, calling upon them to form such parish or parishes or landward part of a parish or any portion or portions thereof into a special district for the following purposes or any one or more of them; that is to say,—

(*a.*) The lighting of the special district and the adoption for such purpose by the district committee or county council as the case may be of the provisions contained in sections ninety-nine to one hundred and five inclusive of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

55 & 56 Vict. c. 55.

(*b.*) The scavenging of, and the removal of dust, ashes, and other refuse from, the streets, roads, footpaths, lands and premises in such special district, and the adoption for such purposes by the district committee or the county council, as the case may be, of the provisions contained in sections one hundred and seven to one hundred and twenty-seven, and two hundred and fifty-three to two hundred and fifty-five, inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

(*c.*) The provision and maintenance of public baths or bathing places, wash-houses, and drying grounds, and the adoption for such purposes by the district committee or county council, as the case may be, of the provisions contained in sections three hundred and nine to three hundred and fourteen, inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them.

(2.) Upon such requisition being received, the district committee or county council, as the case may be, shall be bound to meet, after

twenty-one clear days notice, and shall consider the propriety of forming such parish or landward part of a parish or portion thereof into a special district, and shall by resolution either approve or disapprove of the formation of a special district (which shall in no case include a police burgh or any portion thereof) for the purposes stated in the requisition or any one or more of them, and, if they approve thereof, shall define the boundaries of such special district and specify which of the provisions of the Burgh Police (Scotland) Act, 1892, referred to in the preceding sub-section are to be adopted therein. Such resolution shall be final, subject to the provisions of sub-section three of this section, and in the event of the district committee or county council, as the case may be, disapproving of the formation of a special district as proposed in a requisition, it shall not be competent to make another requisition to the same effect until after the expiration of twelve months. A copy of every such resolution shall be forthwith published in one or more newspapers circulating in the district and transmitted to the Board and to the county council. 55 & 56 Vict. c. 55.

(3.) Where the proposed special district is co-extensive with or comprises the whole or part of the area of any special drainage or water supply district formed under the Public Health Acts, the consent of the county council shall be required to any resolution approving of the formation of a special district under this section, and in giving or refusing such consent the county council shall take into consideration the whole circumstances of the case, including the amount of the rates levied for the time being under the Public Health Acts and the principal Act within the proposed special district, and the county council may consent to the resolution either with or without modifications.

(4.) On the adoption by a district committee or county council, as the case may be, of any of the provisions above mentioned, such provisions shall have effect within or in relation to the special district, subject to the provisions of the Fourth Schedule to this Act annexed.

(5.) The area of a special district formed under this section may be enlarged or altered, and two or more special districts may be combined, from time to time, by resolution of the district committee or county council, as the case may be, in terms of this section, with or without a requisition.

(6.) Any expenditure attending the formation of a special district, or the carrying out within such special district of the purposes of this section or of any of them, shall be paid out of an assessment to be imposed by the county council within the special district, to be called the special district rate, and levied along with and as an addition to and in excess of the public health rate, and with the same remedies and modes of recovery: Provided that such special district rate shall not exceed ninepence in the pound on the annual value of the lands and heritages within the special district as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, and a county council may borrow for such of the said purposes as 8 & 9 Vict. c. 83.

the Secretary for Scotland may by order prescribe on the security of such special district rate.

(7.) The total amount required to be raised (so far as within a county) by a public health rate (including any special district rate) may be certified by the county council to the parish council, and may be collected by the parish collector along with the poor rate of the parish. The amount collected in such case shall be paid over to the county council without any deductions, but the expense of collection (including the reasonable remuneration of the collector) shall be a debt from the county council to the parish council.

(8.) Where a special district has been formed under this section, the district committee or the county council, as the case may be, may, subject to regulations to be from time to time made with the consent of the county council, appoint annually a sub-committee for carrying out the purposes for which such special district has been formed, and such sub-committees shall in whole or in part consist of parish councillors of the parish or parishes in which the special district is situated, whether members of the district committee or not.

(9.) From and after the first election in a county of parish councillors, sub-section one of section eighty-one of the principal Act shall be read as if for the words "shall in part consist of "persons, whether members of the district committee or not, who "are resident within the special drainage district or special water "supply district," there were substituted the words "shall in "whole or in part consist of parish councillors of the parish or "parishes in which the special district is situated, whether "members of the district committee or not," and the number of a sub-committee appointed under the said section may, failing agreement between a district committee or county council and a town council or the commissioners of a police burgh, be determined by the Secretary for Scotland.

(10.) Upon the formation of a special lighting district under the provisions of this section it shall be lawful for the district committee to adopt the Burghs Gas Supply (Scotland) Act, 1876, and any Act amending the same, but in such case the provisions of the principal Act with respect to capital, expenditure, borrowing, and audit of accounts shall apply in lieu of the corresponding provisions of the former Acts or of this section; and in the application of the former Acts the expression "burgh" shall be construed to mean special lighting district, "commissioners" "town council" and "commissioners of police" to mean district committee, and "elector" and "ratepayer" to mean a person registered as a county elector the subject of whose qualification is situated within the special lighting district.

39 & 40 Vict. c. 49.

Valuation roll to show special districts. 20 & 21 Vict. c. 72.

45.—(1.) The assessor of a county in making up the valuation roll of the county shall distinguish in the valuation roll lands and heritages situated within the boundaries of each police burgh, each police district formed under section fifty-eight of the Police Act, 1857, each special water supply and special drainage district, each

special district formed under section forty-four of this Act, and any part of a parish for which a landward committee is constituted in terms of this Act.

(2.) The provisions of section five of the Valuation of Lands (Scotland) Amendment Act, 1867, as extended by the Valuation of Lands (Scotland) Amendment Act, 1887, with regard to separate valuations of portions of railways, waterworks, gasworks, and other undertakings included within the limits of burghs, towns, or populous places, shall extend to counties outwith the boundaries of police burghs in like manner as if they were herein re-enacted with the substitution of the expression "county clerk" for "town clerk, or "clerk of the commissioners, or trustees of police," and of "police "district formed under section fifty-eight of the Police Act, 1857, "special water supply district, special drainage district, special "district formed under section forty-four of the Local Government "(Scotland) Act, 1894, and any part of a parish for which a "landward committee is constituted in terms of the said Act," for "burghs, towns, and populous places."

30 & 31 Vict. c. 80.
50 & 51 Vict. c. 51.
20 & 21 Vict. c. 72.

46. An order of the Secretary for Scotland, under section fifty-one of the principal Act, for altering the boundaries of any parish or for uniting several parishes or parts of parishes into one parish by the creation of a new parish or otherwise, or annexing one or more of such parishes or parts of parishes to a larger parish, or for dividing any parish or for uniting any subdivision of a parish with any other parish, shall have effect for all purposes whether county council, justice, sheriff, militia, parochial board, parish council, school board, local authority, or other, save as herein-after provided. Before making any such order, the Secretary for Scotland shall consult with the authorities concerned, and, upon the application of any one or more of such authorities, shall cause a local inquiry in terms of the principal Act to be held, and shall cause the proposed order to be published in the Edinburgh Gazette, and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and may, after the expiry of not less than forty days from the date of the publication of the proposed order in the Edinburgh Gazette, finally make the order and cause the same to be forthwith published in the Edinburgh Gazette, and such order shall thereafter have effect as if enacted by Parliament unless or until revoked or modified by subsequent order in terms of this section. In addition to the provisions of the principal Act any such order may be made on the representation of a parochial board or parish council, or the commissioners of a police burgh, or a school board.

Additional powers to alter parish areas.

An order of the Secretary for Scotland under the powers conferred by section fifty-one of the principal Act or this section may, without prejudice to the generality of the aforesaid powers, provide for all or any of the matters specified in sub-section six of section forty-nine of the principal Act.

The words "in the county" occurring in sub-section (*e*) of section fifty-one of the principal Act are hereby repealed, and the

said section shall be read as if for the words "county burgh or parish," occurring in proviso (ii.) thereof, there were substituted the words "county or burgh;" and the words "this Act," in sub-section (*g*) of the said section, and in sections ninety-five and ninety-six of the principal Act, shall be construed as meaning "the Local Government (Scotland) Acts."

Current rates.

47.—(1.) Every rate and requisition for sums of money made before the fifteenth day of May in the year one thousand eight hundred and ninety-five, may be levied and collected, and proceedings for the enforcement thereof may be taken in like manner, as nearly as may be, as if this Act had not passed.

(2.) The accounts of all moneys received or expended before the fifteenth day of May in the year one thousand eight hundred and ninety-five, shall be audited and other consequential proceedings taken in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the moneys received or expended in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts as if this Act had not passed.

Transfer of property.

48.—(1.) All such property as belongs, or would, but for the passing of this Act, belong to, or be vested in, or held in trust for, any authority whose powers and duties are, by or in pursuance of this Act, transferred to a parish council shall, from and after such transference, pass to, and vest in, and be held in trust for, such parish council, subject to all debts and liabilities affecting the same, and shall be held by the parish council for the purposes for which such property is or would have been held, so far as such purposes are not modified by this Act; and if any question shall arise between any such authority and a parish council as to the heritable or movable property transferred by or in pursuance of this Act, the same, failing agreement, shall be determined by the Board.

(2.) The parish council shall have full power to manage, alter, and enlarge, and, with the consent of the Board, to alienate lands and heritages transferred by this section, and may from time to time provide such accommodation and rooms, and such furniture, books, and other things as they may reasonably require for the transaction of their business.

Transfer of debts and liabilities.

49. All debts and liabilities of any authority, whose powers and duties are transferred by or in pursuance of this Act to a parish council, shall become debts and liabilities of such council, and shall, from and after such transfer and subject to the provisions of this Act, be defrayed by them out of the like funds out of which they would have been defrayed if this Act had not passed.

Existing officers and servants.

50. All persons who on the fifteenth day of May in the year one thousand eight hundred and ninety-five hold office as inspector of the poor of the parish or collector of poor rates, or are officers of a parochial board, under any Acts of Parliament, or are servants

of such board and perform any duties in respect of the business transferred by, or in pursuance of, this Act to a parish council, shall thereafter become the officers and servants of the parish council.

Tenure and duties of officers transferred to parish council.

51.—(1.) The officers and servants of any authority who hold office at the passing of this Act, and who by or in pursuance of this Act become officers and servants of a parish council (in this Act referred to as existing officers), shall hold their offices by the same tenure, and upon the same terms and conditions, as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration and be entitled to not less pensions (if any) than they would have received or been entitled to if this Act had not passed: Provided that any re-arrangement of the duties and remuneration of existing medical officers, holding office under the Poor Law (Scotland) Act, 1845, shall be subject to the approval of the Board.

8 & 9 Vict. c. 83.

(2.) Subject to any general regulations of the Board, a parish council may distribute the business to be performed by existing officers and may combine their duties in such manner as the council may think expedient, and every existing officer shall perform such duties in relation to such business as may be directed by the council: Provided that if any existing inspector of poor is aggrieved by such distribution of business, or by the imposition or withdrawal of any duties, he may, within one month after the date of any resolution of the council distributing such business or imposing or withdrawing such duties, appeal to the Board, whose decision shall be final.

(3.) Any parish councils, or parish councils and county councils or district committees or town councils or burgh commissioners, may, from time to time, join in making such arrangements with regard to the conduct and management of their business, including the collection of rates, whether leviable by a parish council, or by a county council, or town council, or burgh commissioners, and the distribution of such business among their officers, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.

Saving for pending actions, &c.

52.—(1.) If at the time of the transfer, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority in relation to any powers, duties, liabilities, or property by this Act transferred to the parish council, the same shall not be in anywise prejudicially affected by reason of such transfer, but may be continued, prosecuted, and enforced by or against the parish council, as successors of such authority, in like manner as if such transfer had not taken place.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a parish council, shall be of as full force and effect against or in favour of the parish council, and may be enforced as fully and effectually as if instead of such authority the said parish council had been a party thereto.

Saving for securities in discharge of debts.

53. Nothing done in pursuance of this Act shall prejudicially affect any securities granted, before the time of the transfer, on the credit of any rate or property by this Act transferred to a parish council, and all such securities, as well as all unsecured debts, liabilities, or obligations lawfully incurred by any authority, body, or person, in the exercise of any power or in relation to any property transferred from them to the parish council under this Act, shall be discharged, paid, and satisfied by the parish council.

Definitions.

54. Expressions used in this Act have the same meaning, if not inconsistent with the context, as expressions used in the principal Act: Provided that, if not inconsistent with the context—

53 & 54 Vict. c. 60
54 & 55 Vict. c. 32.
55 & 56 Vict. c. 51
55 & 56 Vict. c. 55

The expression "police burgh" in the Local Government (Scotland) Acts, the Local Taxation (Customs and Excise) Act, 1890, the Roads and Streets in Police Burghs (Scotland) Act, 1891, and the Education and Local Taxation Account (Scotland) Act, 1892, has the meaning assigned to it in the Burgh Police (Scotland) Act, 1892:

The expression "municipal register" includes the register of voters for the election in a police burgh of burgh commissioners:

The expressions "municipal election," "municipal electors," and "municipal wards" include the election of burgh commissioners in a police burgh, the voters at, and the wards constituted for, such election respectively:

The expression "town clerk" includes the clerk to the burgh commissioners of a police burgh:

The expression "secretary" includes assistant secretary:

The expression "parish" means a parish quoad civilia which is at the passing of this Act or may hereafter be constituted a separate parish for the purposes of settlement and relief of the poor, and includes a combination of parishes within the meaning of section sixteen of the Poor Law (Scotland) Act, 1845:

The expression "burghal parish" means a parish which is wholly comprised within the boundaries of a burgh, and the expression "landward parish" means a parish no part of which is comprised within the boundaries of a burgh:

The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes, under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed, or determined for municipal purposes:

The expression "burghal part of a parish" means any part of a parish comprised within the boundaries of a burgh, and the expression "landward part of a parish" means any part of a parish not comprised within the boundaries of a burgh:

The expression "Public Health Acts" means the Public Health (Scotland) Act, 1867, and any Act or Acts amending the same:

The expression "Education Acts" means the Education (Scotland) Act, 1872, and any Act or Acts amending the same:

The expression "burgh" means any royal or parliamentary burgh, and shall include the burgh of Coatbridge:

The expression "ecclesiastical charity" includes a charity the endowment whereof is held for some one or more of the following purposes:—

(*a.*) For theological instruction or for the benefit of any theological institution; or

(*b.*) For the benefit of any ecclesiastical person or officer as such; or

(*c.*) For use, if a building, as a church, chapel, mission hall or room, or Sunday school, or otherwise by any particular church or denomination; or

(*d.*) For the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or

(*e.*) Otherwise for the benefit of any particular church or denomination, or of any members thereof as such:

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act.

Repeal.

55. The Acts specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column and as from the dates respectively specified in the fourth column of that schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

PART VII.

TRANSITORY PROVISIONS.

Transitory provisions for first election.

56. With respect to the first election of parish councillors, the following provisions shall have effect; that is to say,—

(1.) The first election of parish councillors shall take place in every parish on the first Tuesday of April in the year one thousand eight hundred and ninety-five. The parish councillors then elected shall enter office on the fifteenth day of May following such election, and shall go out of office, in burghal parishes and in parishes wholly comprised within a police burgh or within a burgh and a police burgh on the first Tuesday of November, and in all other parishes on the first Tuesday of December, both in the year one thousand eight hundred and ninety-eight.

(2.) Before the first election of parish councillors, and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety-five, a list of persons qualified to be parish electors shall be prepared, revised, and completed for each county (exclusive of any police burgh, or part thereof,) and the provisions of the Local Government

(Scotland) Acts respecting a county council register shall apply to such list, subject to such alterations of dates and such other necessary modifications as may be prescribed by the Secretary for Scotland in any general order under his hand and seal Such list, when completed, shall be deemed to be the county council register for the time being within the meaning of sub-section eight of section twelve of this Act.

(3.) The provisions of sub-sections two and three of section twelve of this Act shall not apply to a municipal register or to the register of voters for the election in a police burgh of burgh commissioners coming into force in the month of November, in the year one thousand eight hundred and ninety-four, unless so applied by order under the seal of the town council, or in a police burgh of the burgh commissioners: Provided that before the first election of parish councillors and not later than the twenty eighth day of February in the year one thousand eight hundred and ninety-five a list of persons qualified to be parish electors shall be prepared, revised, and completed for each burgh and police burgh, and the provisions of this Act respecting a municipal register or the register of voters for the election in a police burgh of burgh commissioners shall apply to such list subject to such alterations of dates and such other necessary modifications as shall be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list when completed shall be deemed to be the municipal register of the burgh, or register of voters for the election in the police burgh of burgh commissioners, for the time being, within the meaning of sub-section eight of section twelve of this Act.

Provided that nothing contained in this or the immediately preceding sub-section shall affect the date at which any parliamentary or municipal register of voters, or register of voters for the election in a police burgh of burgh commissioners, is fixed to come into operation

(4.) In a landward parish and in the landward part of a parish partly landward and partly burghal, except within any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of section fourteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the county council at their general meeting in the month of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of county councillors.

(5.) In a burghal parish and in the burghal part of a parish partly landward and partly burghal, and in any parish or part of a parish co-extensive with a police burgh or part thereof,

the provisions of section fifteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the town council, or in a police burgh by the burgh commissioners, not later than the thirty-first day of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards (if any) fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of town councillors, or, in a police burgh, of burgh commissioners.

(6.) The expenditure incurred in the registration of parish electors shall be deemed to form part of the expenditure incurred in the election of parish councillors.

(7.) The members of a parish council first elected under this Act shall, on the second Thursday of April, meet as a provisional parish council, with power to arrange for bringing this Act into operation, and the provisional parish council shall, at that or a subsequent meeting, make provision for the performance of the duties of such parish council until the first meeting of such council; and the first meeting of the parish council shall be held on such day not later than the twenty-second day of May as shall be fixed by the provisional parish council, and such meeting shall be deemed to be the statutory meeting of the parish council for the year one thousand eight hundred and ninety-five, and shall be summoned by the inspector of poor in the manner provided by sub-section two of section seventeen of this Act.

(8.) The parochial boards holding office at the commencement of this Act, shall, notwithstanding any provision to the contrary, retain office until the fifteenth day of May in the year one thousand eight hundred and ninety-five.

SCHEDULES.

SCHEDULE I.

ENACTMENTS REPEALED.

Section 55.

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
25 & 26 Vict. c. clvii.	Glasgow Barony Parochial Board Act, 1862.	The whole Act.	The commencement of this Act.

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section one hundred and five so far as it relates to the definition of the expression "police burgh."	The commencement of this Act.
53 & 54 Vict. c. 60.	Local Taxation (Customs and Excise) Act, 1890.	Section six so far as it relates to the definition of the expression "police burgh."	
54 & 55 Vict. c. 32.	Roads and Streets in Police Burghs (Scotland) Act, 1891.	Section seven so far as it relates to the definition of the expression "police burgh."	
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section twenty-eight, sub-section (2), (i), the words "who is not married, or "who being married is not "living in family with "her husband."	
44 & 45 Vict. c. 13.	Municipal Elections Amendment (Scotland) Act, 1881.	Section two, the words "who "are not married, and "married females not "living in family with "their husbands."	
8 & 9 Vict. c. 83.	Poor Law (Scotland) Act, 1845.	Section two. Section three. Section four, except so far as it relates to the Secretary. Section five, except from "the Board shall have" to the end. Section six. Section seven. Section eight to "proper "and." Section eleven so far as it requires the consent of a Secretary of State, or Her Majesty's Advocate, to the appointment and the remuneration of a Commissioner or Commissioners.	The date of the establishment of the Local Government Board for Scotland.
30 & 31 Vict. c. 101.	Public Health (Scotland) Act, 1867.	Sections nine, ten, and eleven, so f r as they require the consent of a Secretary of State or Her Majesty's Advocate to any inquiry or the appointment of a Commissioner. Section fifteen.	

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
8 & 9 Vict. c. 83.	Poor Law (Scotland) Act, 1845.	Section seventeen, from "and "until it shall" to the end. Sections eighteen to twenty-nine, both inclusive. Section thirty, from "and it "shall also be lawful" to the end. Section thirty-one. Section thirty three, from "or "for the parochial board" to "entitled to attend." Section thirty eight, the words "or means and "substance." Sections forty-seven and forty-eight.	The fifteenth day of May in the year one thousand eight hundred and ninety-five.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	Section nine.	
50 & 51 Vict. c. 42.	Public Libraries Consolidation (Scotland) Act, 1887.	Section nine so far as it relates to the audit of the accounts of a parochial board.	

SCHEDULE II.

Section 17.

We, *A.B.* [*here insert name and place of abode as in the parish council register for the parish*], and *C.D.* [*here insert name and place of abode as aforesaid*], hereby propose and nominate *E.F.* [*here insert name and place of abode as aforesaid*] for election as a parish councillor [*when the parish is divided into wards, add here* "for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*].

Given under our hand this [*insert date*].

A.B.

C.D.

to be signed also by—

× Candidate.

or by—

× A person duly authorised.

Returning Officer.

Section 17.

SCHEDULE III.

The intimation or nomination of *E.F.* [*here insert name and place of abode of candidate as in the parish council register for the parish*] for election as a parish councillor [*when the parish is divided into wards, add here* "for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*] is hereby withdrawn.

Given under my hand this [*insert date*].

to be signed by—
× Candidate.
or by—
× A person duly authorised.

To

Returning Officer.

Section 44.

SCHEDULE IV.

(1.) Expressions occurring in the adoptive sections of the Burgh Police (Scotland) Act, 1892, shall in such sections as adopted, when not inconsistent with the context, have the meanings assigned to them respectively in that Act as read along with this schedule: Provided that any reference to the burgh surveyor or to the private improvement assessment shall be excluded.

(2.) In place of the expressions occurring in the said sections specified in the first column of the list appended hereto, there shall be substituted in such sections as adopted the expressions respectively specified in the second column thereof,

(3.) The consent of the Board shall be required to any byelaw made by a district committee or by a county council in terms of the said sections as adopted.

(4.) Section ninety-four of the principal Act shall apply to any offence against the provisions of the said sections as adopted or any byelaw made thereunder, with the substitution (except where a county is not divided into districts) of the expression "district clerk" for the expression "county clerk" occurring therein.

List.

Commissioners	District committee.
Burgh	Special district.
Footpavement	Footway.
This Act	The adopted section or sections of the Burgh Police (Scotland) Act, 1892.
Inspector of cleansing	Sanitary inspector.
Magistrate	Sheriff or any two justices of the peace.
Burgh general assessment	Assessment levied in terms of section forty-four of the Local Government (Scotland) Act, 1894.
By special order as herein defined	With consent of the county council.

CHAPTER 59.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, and to appropriate the Supplies granted in this Session of Parliament. [25th August 1894.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of 27,795,151*l.* out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-five, the sum of twenty-seven million seven hundred and ninety-five thousand one hundred and fifty-one pounds.

Power for the Treasury to borrow.

2. The Treasury may borrow from any person, and the Bank of England may lend on the credit of the said sum, any sum or sums not exceeding in the whole the sum of twenty-seven million seven hundred and ninety-five thousand one hundred and fifty-one pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services and

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty,

of sums applied as appropriations in aid.

amounting, as appears by the said schedule, in the aggregate, to the sum of sixty-eight million one hundred and five thousand nine hundred and thirty-eight pounds fourteen shillings, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the services and purposes expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict. c. 24

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule B. annexed hereto, the sums respectively set forth in the last column of the said schedule.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the Treasury may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the Treasury to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1892-93 unprovided for.

5. Whereas the Treasury, under the powers vested in them by the Appropriation Act, 1892, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-

first day of March one thousand eight hundred and ninety-three to be temporarily defrayed out of surpluses, effected by the saving of expenditure on other votes for naval and military services for the said year; viz,

1st. A sum of three hundred and nine thousand two hundred and seventy pounds one shilling and sixpence (in part of three hundred and ninety-five thousand and eighteen pounds twelve shillings and ninepence) for navy services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

2nd. A sum of one hundred and ninety-seven thousand and twenty-two pounds ten shillings and eightpence for army services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

It is enacted that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1894.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - -	68,105,938	14	0

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	Supply Grants.	Appropriations in Aid.
1892-93-94.	£ s. d.	
Part 1. Army (Ordnance Factories) Excess, 1892-93 - -	100 0 0	—
„ 2. Civil Services Deficiencies, 1892-93 - - -	685 14 0	—
„ 3. Army (Supplementary), 1893-94 - - - -	195,000 0 0	—
„ 3. Army (Ordnance Factories) Supplementary, 1893-94	100 0 0	—
„ 4. Civil Services and Revenue Departments (Supplementary), 1893-94 -	382,122 0 0	—
	578,007 14 0	—
1894-95.		
„ 5. Navy - - -	17,366,100 0 0	1,005,613
„ 6. Army - - - -	18,080,900 0 0	2,923,490
„ 6. Army (Ordnance Factories)	100 0 0	2,157,200
„ 7. Civil Services, Class I. -	1,740,220 0 0	52,920
„ 8. Ditto, Class II. -	2,039,913 0 0	386,131
„ 9. Ditto, Class III. -	3,757,962 0 0	683,126
„ 10. Ditto, Class IV. -	9,617,180 0 0	74,445
„ 11. Ditto, Class V. -	771,223 0 0	129,637
„ 12. Ditto, Class VI. -	686,486 0 0	207
„ 13. Ditto, Class VII. -	197,054 0 0	6,600
TOTAL CIVIL SERVICES - -	18,840,033 0 0	1,333,066
„ 14. Revenue Departments, &c. -	13,240,793 0 0	379,189
GRAND TOTAL - -	68,105,938 14 0	7,798,558

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£ s. d.
For the service of the years ending 31st March 1893 and 1894:—	
Under Act 57 Vict. c. 1. - - - -	578,007 14 0
For the service of the year ending 31st March 1895:—	
Under Act 57 Vict. c. 1. - - - - -	9,899,600 0 0
Under Act 57 Vict. c. 7. - - - - -	12,117,630 0 0
Under Act 57 & 58 Vict. c 29. - - - -	17,715,550 0 0
Under this Act - - - - - - -	27,795,151 0 0
TOTAL - - - -	£68,105,938 14 0

SCHED. (B.) PART 1.

SCHEDULE (B.)—PART 1.

ARMY (ORDNANCE FACTORIES) EXCESS, 1892-93.

Army (Ordnance Factories) Excess.

	£ s. d.
SUM granted to make good the excess on the grant for the expense of the Ordnance Factories for the year ended 31st March 1893 - - - - - -	100 0 0

SCHEDULE (B.)—PART 2.

SCHED. (B.) PART 2.

CIVIL SERVICES DEFICIENCIES, 1892–93.

Civil Services Deficiencies, 1892–93.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1893; viz.:—

CIVIL SERVICES.

	£	s.	d.
CLASS I.			
Public Buildings, Great Britain	655	14	0
CLASS II.			
Local Government Board, Ireland	10	0	0
CLASS III.			
County Courts	10	0	0
Supreme Court of Judicature, Ireland	10	0	0
Total	£685	14	0

SCHEDULE (B.)—PART 3.

SCHED. (B.) PART 3.

ARMY (SUPPLEMENTARY), 1893–94.

Army (Supplementary), 1893–94.

SUM granted to meet ADDITIONAL EXPENDITURE for Army Services for the year ended 31st March 1894, viz.:—

	£
Militia: Pay and Allowances	26,000
Provisions, Forage, and other Supplies	169,000
Works, Buildings, and Repairs	60,000
TOTAL	195,000
Army (Ordnance Factories) Supplementary, 1893–94	100
Total Army (Supplementary), including Ordnance Factories	195,100

SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4.

CIVIL SERVICES AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1893–94.

Civil Services (Supplementary), 1893–94.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1894; viz.:—

CIVIL SERVICES.

	£
CLASS II.	
House of Commons Offices	1,200
Home Office and Subordinate Departments	1,200
Colonial Office	1,500
Local Government Board	1,081
CLASS III.	
Law Charges, England	25,000
County Courts	10
Register House, Edinburgh	1,300
CLASS IV.	
Public Education, England and Wales	207,864
Science and Art Department, United Kingdom	16,000
CLASS V.	
Diplomatic and Consular Services	27,500
Colonial Services, including South Africa	88,567
CLASS VI.	
Superannuation and Retired Allowances	6,400
CLASS VII.	
Temporary Commissions	4,500
Total, Civil Services and Revenue Departments	382,122

SCHED. (B.) PART 5. Navy.

SCHEDULE (B.)—PART 5.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
1.	For wages, &c. to 83,100 officers, seamen, and boys, coastguard, and Royal marines -	3,918,500	129,836
2.	For the expense of victualling and clothing for the navy, including the cost of victualling establishments at home and abroad -	1,402,100	361,974
3.	For medical services, including the cost of medical establishments at home and abroad	143,900	24,897
4.	For martial law, &c., including the cost of naval prisons at home and abroad - -	10,600	17
5.	For educational services - - -	79,100	25,910
6.	For scientific services - - - -	61,600	9,577
7.	For the expense of the royal naval reserve, reserve of retired officers, seamen and marine pensioners, and royal naval artillery volunteers - - - - -	205,800	68
8.	Sect. 1. For the expense of the personnel for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad - - - - - -	1,771,800	26,035
	,, Sect. 2. For the expense of the materiel for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad - - - - - -	2,294,000	235,000
	,, Sect. 3. For the expense of contract work for shipbuilding, repairs, &c. - - -	2,920,200	39,500
9.	For naval armaments - - - -	1,383,200	50,000
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	650,000	12,500
11.	For miscellaneous effective services - -	173,800	9,825
12.	For the expense of the Admiralty Office -	231,200	8,520
13.	For half-pay, reserved and retired pay to officers of the navy and marines - -	757,000	12,950
14.	For naval and marine pensions, gratuities, and compassionate allowances - -	990,400	23,471
15.	For civil pensions and gratuities - -	312,600	533
16.	For the expense necessary to be provided for under the arrangement made between the Imperial and Australasian Governments for the protection of floating trade in Australasian waters - - -	60,300	35,000
	TOTAL NAVY SERVICES - -	17,366,100	1,005,613

SCHEDULE (B.)—PART 6.

ARMY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
1.	For the pay, allowances, and other charges of Her Majesty's army at home and abroad (exclusive of India), and of the general staff, regiments, and reserve (to a number not exceeding 84,300), and departments -	5,981,000	1,229,200
2.	For the medical establishments and cost of medicines - - - - -	290,000	1,290
3.	For the pay and allowances (exclusive of supplies, clothing, &c.) of the militia (to a number not exceeding 135,743, including 30,000 militia reserve) - - -	600,000	13,900
4.	For the pay and miscellaneous charges of the yeomanry cavalry - - - -	74,400	10
5.	For capitation grants and miscellaneous charges of volunteer corps, including pay, &c., of the permanent staff - - -	804,000	300
6.	For the expense of transport and remounts	631,100	28,100
7.	For provisions, forage, and other supplies -	2,732,200	45,000
8.	For clothing establishments and services -	789,600	349,000
9.	For the supply and repair of warlike and other stores - - - - - - -	1,807,000	310,000
10.	For the Royal Engineer superintending staff, and expenditure for Royal Engineer works, buildings, and repairs at home and abroad (including purchases) - - -	832,600	56,450
11.	For establishments for military education -	114,500	61,000
12.	For miscellaneous effective services - -	130,600	6,300
13.	For the salaries and miscellaneous charges of the War Office - - - -	257,600	50
14.	For retired pay, half-pay, and other non-effective charges for officers and others -	1,516,400	333,690
15.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof, for out-pensions, for the maintenance of lunatics for whom pensions are not drawn, and for gratuities awarded in commutation and in lieu of pensions, for rewards for meritorious services, for Victoria Cross pensions, and for pensions to the widows and children of warrant officers, exclusive of charges on India -	1,355,200	489,120
16.	For superannuation, compensation, and compassionate allowances, and gratuities -	164,700	80
	TOTAL ARMY SERVICES - £	18,080,900	2,923,490

SCHED. (B.) PART 6. Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
ARMY (ORDNANCE FACTORIES).	£	£
For the expense of the ordnance factories, the cost of productions of which is charged to the army, navy, and Indian and Colonial Governments - - - - - - -	100	2,157,200
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - - - - £	18,081,000	5,080,690

SCHED. (B.) PART 7. Civil Services. Class I.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of royal palaces and Marlborough House - - -	36 526	1,250
2. For the royal parks and pleasure gardens -	95,228	4,215
3. For expenditure in respect of the Houses of Parliament buildings - - -	36,855	350
4. For the extension of the Admiralty buildings -	39,200	800
5. For expenditure in respect of miscellaneous legal buildings, viz., County Courts, Metropolitan Police Courts, and Sheriff Court Houses, Scotland - - - -	69,278	3,490
6. For expenditure in respect of Art and Science buildings, Great Britain - - -	33,614	70
7. For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad - -	25,161	1,900
8. For the Customs, Inland Revenue, Post Office, and Post Office Telegraph buildings in Great Britain, including furniture, fuel, and sundry miscellaneous services - - -	374,900	7,000
9. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - -	222,9[illegible]5	12,000
10. For the survey of the United Kingdom, and for minor services connected therewith -	225,210	—
11. For maintaining certain harbours, lighthouses, &c. under the Board of Trade - -	19,564	2,550
12. For constructing a new harbour of refuge at Peterhead - - - - -	29,800	—

SCHED. (B.) PART 7. Civil Services. Class I.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
13.	For rates and contributions in lieu of rates, &c., in respect of Government property, and for salaries and expenses of the rating of Government property department - -	267,482	12,270
14.	For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, for drainage works on the Rivers Shannon and Suck - - - - - -	199,149	7,025
15.	For payments under the Tramways and Public Companies (Ireland) Act, 1883, and the Light Railways (Ireland) Act, 1889 - -	62,778	—
16.	For a grant in aid of expenses caused by an accident on the Tralee and Dingle Light Railway - - - - - -	2,500	—
	TOTAL CIVIL SERVICES, CLASS I. - £	1,740,220	52,920

SCHEDULE (B.)—PART 8.

SCHED. (B.) PART 8. Civil Services. Class II.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
1.	For salaries and expenses in the offices of the House of Lords - - - - -	41,595	—
2.	For salaries and expenses in the offices of the House of Commons - - - - -	52,133	—
3.	For salaries and expenses of the department of Her Majesty's Treasury and subordinate departments - - - - - -	87,476	4,200
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - -	104,863	6,400
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - - - - - -	67,696	500
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies, including certain expenses connected with Emigration - - -	40,960	—
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and for quarantine expenses -	14,028	1,500

SCHED. (B.) PART 8.
Civil Services. Class II.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
8.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments - - -	175,757	4,750
9.	In aid of the Mercantile Marine Fund - -	51,000	—
10.	For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Acts, 1883 and 1890, and the Companies Winding-up Act, 1890 - - - - -	23	143,150
11.	For the salaries and expenses of the Board of Agriculture, and for defraying the repayable expenses to be incurred in matters of Inclosure and Land Improvement - -	46,510	8,500
12.	For salaries and expenses of the Charity Commission for England and Wales, including the Endowed Schools department - -	40,380	—
13.	For salaries and expenses of the Civil Service Commission - - - - -	40,071	—
14.	For salaries and expenses of the department of the Comptroller and Auditor General -	58,444	3,529
15.	For salaries and expenses of the Registry of Friendly Societies (including a supplementary sum of 1,000*l.*) - - - -	7,686	—
16.	For salaries and expenses of the Local Government Board - - - - -	168,145	3,600
17.	For salaries and expenses of the office of the Commissioners in Lunacy in England -	14,219	1,170
18.	For salaries and expenses of the Mint, including the expenses of the coinage - - -	94	76,800
19.	For salaries and expenses of the National Debt Office - - - - - -	14,452	2,558
20.	For salaries and expenses of the Public Record Office in England - - - -	21,017	—
21.	For salaries and expenses of the establishment under the Public Works Loan Commissioners	10,159	—
22.	For salaries and expenses of the department of the Registrar General of Births, &c. in England - - - - -	40,674	6,700
23.	For stationery, printing, and paper, binding, and printed books, for the public service, and for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including the reports of Parliamentary Debates - - -	522,505	104,305
24.	For salaries and expenses of the office of Her Majesty's Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - -	21,743	—

SCHED. (B) PART 8. Civil Services. Class II.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
25.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings - - - -	52,766	—
26.	For Her Majesty's foreign and other secret services - - - - -	32,000	—
27.	For the salaries and expenses of the office of Her Majesty's Secretary for Scotland and subordinate offices - - - -	11,915	—
28.	For salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays - - - - - -	28,730	—
29.	For salaries and expenses of the Board of Lunacy in Scotland - - - - - -	5,855	450
30.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland - - - - - -	4,970	700
31.	For salaries and expenses of the Board of Supervision for Relief of the Poor in Scotland, and for expenses under the Public Health Acts, Infectious Diseases Notification Act, Vaccination Act, Local Government (Scotland) Act, and Burgh Police (Scotland) Act -	8,754	—
32.	For salaries and expenses of the household of the Lord Lieutenant of Ireland - -	4,764	—
33.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and subordinate departments - - -	41,715	324
34.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - - - -	1,839	38
35.	For salaries and expenses of the Local Government Board in Ireland, including certain grants in aid of local taxation - -	137,081	—
36.	For salaries and expenses of the Public Record Office in Ireland and of the Keeper of the State Papers in Dublin - -	5,507	4,907
37.	For salaries and expenses of the Office of Public Works in Ireland - - - -	34,770	2,500
38.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of collecting agricultural and other statistics in Ireland - - - -	15,637	550
39.	For salaries and expenses of the general valuation and boundary survey of Ireland -	12,171	9,000
	TOTAL CIVIL SERVICES, CLASS II. - £	2,039,913	386,131

SCHED. (B.) PART 9.
Civil Services. Class III.

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers' department, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury, Queen's Proctor, and Director of Public Prosecutions, the costs of prosecutions, and of other legal proceedings and of Parliamentary Agency - -	70,386	9,750
2.	For certain miscellaneous legal expenses (including a supplementary sum of 3,000*l.*) -	45,782	12,731
3.	For such of the salaries and expenses of the Supreme Court of Judicature as are not charged on the Consolidated Fund - -	327,874	57,650
4.	For the salaries and expenses of the land registry	7,271	—
5.	For salaries and expenses connected with the County Courts - - - -	30,062	410,000
6.	For salaries and expenses of the police courts of London and Sheerness - - -	5,248	15,500
7.	For the salaries of the Commissioner, and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the pay and expenses of officers of Metropolitan Police employed on special duties, and the salaries and expenses of the Inspectors of Constabulary -	54,435	20
8.	For the expenses of the prisons in England, Wales, and the Colonies - - -	611,139	—
9.	For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and of the Inspectors of Reformatories - -	273,117	20,000
10.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum -	32,903	950
11.	For salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland - -	81,998	41,720
12.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - - - - - -	38,711	—
13.	For the expenses of the Establishment of the Crofters' Commission - - -	7,445	—
14.	For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics - - - - -	91,700	—

SCHED. (B.) PART 9. Civil Services. Class III.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
15.	For the expenses of criminal prosecutions and other law charges in Ireland - - -	67,641	350
16.	For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund - -	115,800	2,400
17.	For the salaries and expenses of the office of the Irish Land Commission - - -	66,662	15,694
18.	For the salaries, allowances, expenses, and pensions of various county court officers, divisional commissioners, and of magistrates in Ireland, and the expenses of revision -	118,879	—
19.	For salaries and expenses of the Commissioner of Police, of the police courts and of the metropolitan police establishment of Dublin	99,222	49,491
20.	For the expenses of the Royal Irish Constabulary - - - - - -	1,368,249	45,830
21.	For the expenses of the General Prisons Board in Ireland, and of the prisons under their control; and of the registration of habitual criminals - - - - - -	126,021	—
22.	For the expenses of reformatory and industrial schools in Ireland - - - -	111,095	1,000
23.	For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland	6,322	—
	TOTAL CIVIL SERVICES, CLASS III. - £	3,757,962	683,126

SCHEDULE (B.)—PART 10.

SCHED. (B.) PART 10. Civil Services. Class IV.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For public education in England and Wales, including the expenses of the Education Office in London - - - - -	6,525,589	—
2.	For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith - - - -	692,122	8,600
3.	For salaries and expenses of the British Museum, including the amount required for the Natural History Museum - -	154,279	2,625

SCHED. (B.) PART 10. Civil Services. Class IV.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
4.	For salaries and expenses of the National Gallery (including a supplementary sum of 5,000*l.*) - - - - -	18,368	1,000
5.	For salaries and expenses of the National Portrait Gallery - - - -	1,825	—
6.	For sundry grants in aid of scientific investigation, &c. in the United Kingdom -	26,247	—
7.	In aid of the expenses of certain Universities and Colleges in Great Britain and expenses under the Welsh Intermediate Education Act, 1889 - - - - -	86,094	—
8.	For salaries and expenses of the University of London - - - - -	10	15,780
9.	For public education in Scotland - -	1,030,449	—
10.	For a grant to the Board of Trustees for manufactures in Scotland, in aid of the maintenance of the National Gallery, School of Art and Museum of Antiquities, Scotland, and for other purposes - - -	4,050	—
11.	For public education under the Commissioners of National Education in Ireland - -	1,099,792	39,500
12.	For the expenses of the Office of the Commissioners for managing certain school endowments in Ireland - - - -	1,005	—
13.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - - -	2,400	—
14.	In aid of the expenses of the Queen's Colleges in Ireland - - - - -	4,950	6,940
	TOTAL CIVIL SERVICES, CLASS IV. - £	9,647,180	74,445

SCHED. (B.) PART 11. Civil Services. Class V.

SCHEDULE (B.)—PART 11.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
1.	For expenses of Her Majesty's embassies and missions abroad, and of consular establishments abroad, and other expenditure chargeable on the Consular Vote - - -	431,235	106,637
2.	For the expenses in connection with the suppression of the slave trade, and the maintenance of certain Liberated Africans -	3,213	—

SCHED. (B.) PART 11. Civil Services. Class V.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
3.	For sundry colonial services, including expenses incurred under the Pacific Islanders Protection Act, 1875, and certain charges connected with South Africa (including a supplementary sum of 5,750*l.*) - -	139,675	—
4.	For the subsidies to certain Telegraph Companies - - - - - - -	67,100	23,000
5.	For a grant in aid of expenses connected with Uganda and neighbouring districts (including a supplementary sum of 45,000*l.*) -	95,000	—
6.	For a grant in aid of expenses connected with the British Central Africa Protectorate -	35,000	—
	TOTAL CIVIL SERVICES, CLASS V. - £	771,223	129,637

SCHEDULE (B.)—PART 12.

SCHED. (B.) PART 12. Civil Services. Class VI.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
1.	For superannuation, retired, and compassionate allowances and gratuities under sundry Statutes, and for certain compassionate allowances and gratuities awarded by the Treasury and for the salaries of medical referees - - - - - -	511,454	—
2.	For pensions to masters and seamen of the merchant service, and to their widows and children - - - - - -	8,600	—
3.	For making good the deficiency arising from payments for interest to trustees of Savings Banks and to Friendly Societies - -	21,713	—
4.	For miscellaneous, charitable, and other allowances in Great Britain - - -	2,725	—
5.	In aid of the local cost of maintenance of pauper lunatics in Ireland - - - - -	124,035	—
6.	For hospitals and infirmaries and certain miscellaneous, charitable, and other allowances in Ireland - - - - - -	17,959	207
	TOTAL CIVIL SERVICES, CLASS VI. - £	686,486	207

SCHED. (B.) PART 13.

Civil Services. Class VII.

SCHEDULE (B.)—PART 13.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For salaries and other expenses of temporary commissions and committees, including special inquiries - - - -	42,459	—
2.	For certain miscellaneous expenses - -	3,741	6,600
3.	In aid of the expenditure under the Contagious Diseases Animals (Pleuro-Pneumonia) Act, 1890, and Contagious Diseases Act, 1892, and the Contagious Diseases (Animals) Act, 1893	85,000	—
4.	For expenditure upon certain public works and for improved communications within the Highlands and Islands of Scotland - -	36,000	—
5.	For a grant in aid to make good a certain amount written off from the assets of the Local Loans Fund (including a supplementary sum of 4,743*l.*) - - -	26,948	—
6.	For repayment to the Civil Contingencies Fund of certain miscellaneous advances - -	906	—
7.	In aid of the expenses of the Royal Commission for the Exhibition at Hobart (Tasmania) 1894–5 - - - - -	2,000	—
	TOTAL CIVIL SERVICES, CLASS VII. - £	197,054	6,600

SCHED. (B.) PART 14.

Revenue Departments, &c.

SCHEDULE (B.)—PART 14.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1895; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For salaries and expenses of the Customs Department - - - - -	871,915	50,098
2.	For salaries and expenses of the Inland Revenue Department - - - - -	1,805,539	15,700
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue - - - -	7,037,785	75,230
4.	For the Post Office packet service - -	748,624	202,761
5.	For salaries and expenses of the Post Office telegraph service - - - -	2,776,930	35,400
	TOTAL REVENUE DEPARTMENTS - £	13,240,793	379,189

CHAPTER 60.

An Act to consolidate Enactments relating to Merchant Shipping. [25th August 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

REGISTRY.

Qualification for owning British Ships.

Qualification for owning British ship.

1. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely,—

(*a*) Natural-born British subjects:

(*b*.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession:

(*c*.) Persons made denizens by letters of denization; and

(*d*.) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions:

Provided that any person who either—

(i) being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state; or

(ii) has been naturalized or made a denizen as aforesaid;

shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

Obligation to register British Ships.

Obligation to register British ships.

2.—(1.) Every British ship shall, unless exempted from registry, be registered under this Act.

(2.) If a ship required by this Act to be registered is not registered under this Act she shall not be recognised as a British ship.

(3.) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of the registry of the ship.

Exemptions from registry.

3. The following ships are exempted from registry under this Act:—

(1.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident:

(2.) Ships not exceeding thirty tons burden and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of Saint Lawrence. or on such portions of the coasts of Canada as lie bordering on that gulf.

Procedure for Registration.

Registrars of British ships.

4.—(1.) The following persons shall be registrars of British ships:—

(*a.*) At any port in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the chief officer of customs:

(*b.*) In Guernsey and Jersey, the chief officers of customs together with the governor:

(*c.*) In Malta and Gibraltar, the governor:

(*d.*) At Calcutta, Madras, and Bombay, the port officer:

(*e.*) At any other port in any British possession approved by the governor of the possession for the registry of ships, the chief officer of customs, or, if there is no such officer there resident, the governor of the possession in which the port is situate, or any officer appointed for the purpose by the governor:

(*f.*) At a port of registry established by Order in Council under this Act, persons of the descripton in that behalf declared by the Order.

(2.) Notwithstanding anything in this section Her Majesty may by Order in Council declare, with respect to any British possession named in the Order, not being the Channel Islands or the Isle of Man, the description of persons who are to be registrars of British ships in that possession.

(3.) A registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

Register book.

5. Every registrar of British ships shall keep a book to be called the register book, and entries in that book shall be made in accordance with the following provisions:—

(i.) The property in a ship shall be divided into sixty-four shares:

(ii.) Subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the

beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner:

(iii.) A person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein:

(iv.) Joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered:

(v.) A corporation may be registered as owner by its corporate name.

Survey and measurement of ship.

6. Every British ship shall before registry be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act, and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Board of Trade, and such certificate shall be delivered to the registrar before registry.

Marking of ship.

7.—(1.) Every British ship shall before registry be marked permanently and conspicuously to the satisfaction of the Board of Trade as follows:—

(*a.*) Her name shall be marked on each of her bows, and her name and the name of her port of registry must be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

(*b.*) Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

(*c.*) A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures must be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade approve.

(2.) The Board of Trade may exempt any class of ships from all or any of the requirements of this section, and a fishing boat entered in the fishing boat register, and lettered and numbered in pursuance of the Fourth Part of this Act, need not have her name and port of registry marked under this section.

(3.) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be liable to a fine not exceeding one hundred pounds.

(4.) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.

(5.) If an owner or master of a British ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, that owner, master, or person shall for each offence be liable to a fine not exceeding one hundred pounds, and on a certificate from a surveyor of ships, or Board of Trade inspector under this Act, that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied.

Application for registry.

8. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointors, and, if appointed by a corporation, under the common seal of that corporation.

Declaration of ownership on registry.

9. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration of ownership, referring to the ship as described in the certificate of the surveyor, and containing the following particulars:—

(i.) A statement of his qualification to own a British ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship:

(ii.) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or, in the case of a ship condemned, a statement of the time place and court at and by which she was condemned:

(iii.) A statement of the name of the master:

(iv.) A statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner:

(v.) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Evidence on first registry.

10.—(1.) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:—

(*a.*) In the case of a British-built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and

of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry:

(*b.*) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry:

(*c.*) In the case of a ship condemned by any competent court, an official copy of the condemnation.

(2.) The builder shall grant the certificate required by this section, and such person as the Commissioners of Customs recognise as carrying on the business of the builder of a ship, shall be included, for the purposes of this section, in the expression "builder of the ship."

(3.) If the person granting a builder's certificate under this section wilfully makes a false statement in that certificate he shall for each offence be liable to a fine not exceeding one hundred pounds.

Entry of particulars in register book.

11. As soon as the requirements of this Act preliminary to registry have been complied with the registrar shall enter in the register book the following particulars respecting the ship:—

(*a.*) The name of the ship and the name of the port to which she belongs:

(*b.*) The details comprised in the surveyor's certificate:

(*c.*) The particulars respecting her origin stated in the declaration of ownership: and

(*d.*) The name and description of her registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her.

Documents to be retained by registrar.

12. On the registry of a ship the registrar shall retain in his possession the following documents; namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation (if any), and all declarations of ownership.

Port of registry.

13. The port at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Certificate of Registry.

Certificate of registry.

14. On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, with the name of her master.

Custody of certificate.

15.—(1.) The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention

by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, on, or in the ship.

(2.) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registry when in his possession or under his control to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery, any justice by warrant under his hand and seal, or any court capable of taking cognizance of the matter, may summon the person so refusing to appear before such justice or court, and to be examined touching such refusal, and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal, the offender shall be liable to a fine not exceeding one hundred pounds, but if it is shown to such justice or court that the certificate is lost, the person summoned shall be discharged, and the justice or court shall certify that the certificate of registry is lost.

(3.) If the person so refusing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for use of improper certificate.

16. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall, in respect of each offence, be guilty of a misdemeanor, and the ship shall be subject to forfeiture under this Act.

Power to grant new certificate.

17. The registrar of the port of registry of a ship may, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

Provision for loss of certificate.

18.—(1.) In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate.

(2.) If the port (having a British registrar or consular officer) at which the ship is at the time of the event, or first arrives after the event—

(*a*) is not in the United Kingdom, where the ship is registered in the United Kingdom; or,

(*b*) is not in the British possession in which the ship is registered; or,

(*c*) where the ship is registered at a port of registry established by Order in Council under this Act, is not that port;

then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the registrar or consular officer, as the case may be,

shall thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3.) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, where she is registered in the United Kingdom, or in the British possession in which she is registered, or where she is registered at a port of registry established by Order in Council under this Act at that port, be delivered up to the registrar of her port of registry, and the registrar shall thereupon grant the new certificate of registry; and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid, he shall be liable to a fine not exceeding fifty pounds.

Endorsement of change of master on certificate.

19. Where the master of a registered British ship is changed, each of the following persons; (that is to say,)

(*a*) if the change is made in consequence of the sentence of a naval court, the presiding officer of that court; and

(*b*) if the change is made in consequence of the removal of the master by a court under Part VI. of this Act, the proper officer of that court; and

(*c*) if the change occurs from any other cause, the registrar, or if there is none the British consular officer, at the port where the change occurs,

shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Registrar-General of Shipping and Seamen; and any officer of customs at any port in Her Majesty's dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

Endorsement of change of ownership on certificate.

20.—(1.) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on her certificate of registry either by the registrar of the ship's port of registry, or by the registrar of any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registry.

(2.) The master shall, for the purpose of such endorsement by the registrar of the ship's port of registry, deliver the certificate of registry to the registrar, forthwith after the change if the change occurs when the ship is at her port of registry, and if it occurs during her absence from that port and the endorsement under this section is not made before her return then upon her first return to that port.

(3.) The registrar of any port, not being the ship's port of registry, who is required to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registry, so that the ship be not thereby detained, and the master shall deliver the same accordingly.

(4.) If the master fails to deliver to the registrar the certificate of registry as required by this section he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

Delivery up of certificate of ship lost or ceasing to be British owned.

21.—(1.) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt, or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, to be a British ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry, and that registrar shall make an entry thereof in the register book.

(2.) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the registrar, or, if there is none, to the British consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry.

(3.) If any such owner or master fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

Provisional certificate for ships becoming British owned abroad.

22.—(1.) If at a port not within Her Majesty's dominions and not being a port of registry established by Order in Council under this Act, a ship becomes the property of persons qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating—

(*a*) the name of the ship;

(*b*) the time and place of her purchase, and the names of her purchasers;

(*c*) the name of her master; and

(*d*) the best particulars respecting her tonnage, build, and description which he is able to obtain;

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar-General of Shipping and Seamen.

(2.) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from its date, or until the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

Temporary passes in lieu of certificates of registry.

23. Where it appears to the Commissioners of Customs, or to the governor of a British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from any port in Her Majesty's dominions to any other port within Her Majesty's dominions, the Commissioners or the governor may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

Transfers and Transmissions.

Transfer of ships or shares.

24.—(1.) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale.

(2.) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be in the form marked A in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

Declaration of transfer.

25. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing—

(*a*) a statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and

(*b*) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Registry of transfer.

26.—(1.) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

(2.) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar.

Transmission of property in ship on death, bankruptcy, marriage, &c.

27.—(1.) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage, death, or bankruptcy of any registered owner, or by any lawful means other than by a transfer under this Act—

(*a.*) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements herein-before required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.

(*b.*) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner.

(*c.*) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.

(*d.*) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

(2.) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall, for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

Order for sale on transmission to unqualified person.

28.—(1.) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise to a person not qualified to own a British ship, then—

if the ship is registered in England or Ireland, the High Court; or
if the ship is registered in Scotland, the Court of Session; or
if the ship is registered in any British possession, the court having the principal civil jurisdiction in that possession; or
if the ship is registered in a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there;

may on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

(2.) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3.) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding in the whole one year from the date of the occurrence) as the court allow.

(4.) If such an application is not made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

Transfer of ship or sale by order of court.

29. Where any court, whether under the preceding sections of this Act or otherwise, order the sale of any ship or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

Power of court to prohibit transfer.

30. Each of the following courts; namely,—

(*a*) in England or Ireland the High Court,
(*b*) in Scotland the Court of Session,

(*c*) in any British possession the court having the principal civil jurisdiction in that possession; and

(*d*) in the case of a port of registry established by Order in Council under this Act, the British court having the principal civil jurisdiction there,

may, if the court think fit (without prejudice to the exercise of any other power of the court), on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Mortgages.

Mortgage of ship or share.

31.—(1.) A registered ship or a share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (in this Act called a mortgage) shall be in the form marked B in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument the registrar of the ship's port of registry shall record it in the register book.

(2.) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the day and hour of that record.

Entry of discharge of mortgage.

32. Where a registered mortgage is discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate (if any) which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any,) it would have vested if the mortgage had not been made.

Priority of mortgages.

33. If there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority, one over the other, according to the date at which each mortgage is recorded in the register book, and not according to the date of each mortgage itself.

Mortgagee not treated as owner.

34. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

Mortgagee to have power of sale.

35. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered,

and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee.

Mortgage not affected by bankruptcy.

36. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of mortgages.

37. A registered mortgage of a ship or share may be transferred to any person, and the instrument effecting the transfer shall be in the form marked C in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument the registrar shall record it by entering in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him, stating the day and hour of the record.

Transmission of interest in mortgage by death, bankruptcy, marriage, &c.

38.—(1.) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death, or bankruptcy, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, containing a statement of the manner in which and the person to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share.

(2.) The registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate.

39. A registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of registry of the ship is situate, may apply to the registrar, and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

Requisites for certificates of mortgage and sale.

40. Before a certificate of mortgage or sale is granted, the applicant shall state to the registrar, and the registrar shall enter in the register book, the following particulars; (that is to say,)

(i) the name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the

minimum price at which a sale is to be made, if it is intended to fix any such minimum:

(ii) the place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Act:

(iii) the limit of time within which the power may be exercised.

Restrictions on certificates of mortgage and sale.

41. A certificate of mortgage or sale shall not be granted so as to authorise any mortgage or sale to be made—

If the port of registry of the ship is situate in the United Kingdom, at any place within the United Kingdom; or

If the port of registry is situate within a British possession, at any place within the same British possession; or

If the port of registry is established by Order in Council under this Act, at that port, or within such adjoining area as is specified in the order; or

By any person not named in the certificate.

Contents of certificates of mortgage and sale.

42. A certificate of mortgage and a certificate of sale shall contain a statement of the several particulars by this Act directed to be entered in the register book on the application for the certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given.

Rules as to certificates of mortgage.

43. The following rules shall be observed as to certificates of mortgage:—

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) Every mortgage made thereunder shall be registered by the endorsement of a record thereof on the certificate by a registrar or British consular officer:

(3.) A mortgage made in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage:

(4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given:

(5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and, if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage:

(6.) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he

would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:

(7.) The discharge of any mortgage so registered on the certificate may be endorsed on the certificate by any registrar or British consular officer, on the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and on that endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any,) have vested, if the mortgage had not been made:

(8.) On the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Rules as to certificates of sale.

44. The following rules shall be observed as to certificates of sale:—

(1.) A certificate of sale shall not be granted except for the sale of an entire ship:

(2.) The power shall be exercised in conformity with the directions contained in the certificate:

(3.) A sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of such sale:

(4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given:

(5.) A transfer made to a person qualified to be the owner of a British ship shall be by a bill of sale in accordance with this Act:

(6.) If the ship is sold to a person qualified to be the owner of a British ship the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book:

(7.) Before registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship:

(8.) The last-mentioned registrar shall retain the certificates of sale and registry, and after having endorsed on both of those instruments an entry of the fact of a sale having taken place, shall forward them to the registrar of the port appearing thereon to be the former port of registry of the ship, and the

last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(9.) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee:

(10.) If the ship is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to a registrar or British consular officer, and that registrar or officer shall retain the certificates of sale and registry, and, having endorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a British ship, shall forward the certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of that ship; and that registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(11.) If, on a sale being made to a person not qualified to be the owner of a British ship, default is made in the production of such certificates as are mentioned in the last rule, that person shall be considered by British law as having acquired no title to or interest in the ship; and further, the person upon whose application the certificate of sale was granted, and the person exercising the power, shall each be liable to a fine not exceeding one hundred pounds:

(12.) If no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the registrar by whom the same was granted; and he shall thereupon cancel it and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void for all intents and purposes.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

45. On proof at any time to the satisfaction of the Commissioners of Customs that a certificate of mortgage or sale is lost or destroyed, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done thereunder, the registrar may, with the sanction of the Commissioners, as circumstances require, either issue a new certificate, or direct such entries to be made in the register books, or such other things to be done, as might have been made or done if the loss, destruction, or obliteration had not taken place.

Revocation of certificates of mortgage and sale.

46.—(1.) The registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the places where the power thereby given is to be

exercised, may, by an instrument under his hand, authorise the registrar by whom the certificate was granted to give notice to the registrar or British consular officer at every such place that the certificate is revoked.

(2.) Notice shall thereupon be given accordingly and shall be recorded by the registrar or British consular officer receiving it, and after it is recorded the certificate shall be deemed to be revoked and of no effect so far as respects any mortgage or sale to be thereafter made at that place.

(3.) The notice after it has been recorded shall be exhibited to every person applying for the purpose of effecting or obtaining a mortgage or transfer under the certificate.

(4.) A registrar or British consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

Name of Ship.

Rules as to name of ship.

47.—(1.) A ship shall not be described by any name other than that by which she is for the time being registered.

(2.) A change shall not be made in the name of a ship without the previous written permission of the Board of Trade.

(3.) Application for that permission shall be in writing, and if the Board are of opinion that the application is reasonable they may entertain it, and thereupon require notice thereof to be published in such form and manner as they think fit.

(4.) On permission being granted to change the name, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.

(5.) If it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without their permission they shall direct that her name be altered into that which she bore before the change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly.

(6.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of the previous registry (proof whereof shall lie on him) shall apply to register, and no registrar shall knowingly register, the ship, except by the name by which she was previously registered, unless with the previous written permission of the Board of Trade.

(7.) Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register, the ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the previous written permission of the Board of Trade.

(8.) If any person acts, or suffers any person under his control to act, in contravention of this section, or omits to do, or suffers any person under his control to omit to do, anything required by this section, he shall for each offence be liable to a fine not exceeding

one hundred pounds, and (except in the case of an application being made under the section with respect to a foreign ship which not having at any previous time been registered as a British ship has become a British ship) the ship may be detained until this section is complied with.

Registry of Alterations, Registry anew, and Transfer of Registry.

Registry of alterations.

48.—(1.) When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a registrar, that registrar, or, if it is made elsewhere, the registrar of the first port having a registrar at which the ship arrives after the alteration, shall, on application being made to him, and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered, or direct that the ship be registered anew.

(2.) On failure to register anew a ship or to register an alteration of a ship so altered as aforesaid, that ship shall be deemed not duly registered, and shall not be recognised as a British ship.

Regulations for registry of alteration.

49.—(1.) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of the alteration.

(2.) The particulars of the alteration so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his register book; and for that purpose the registrar to whom the application for the registry of the alteration has been made (if he is not the registrar of the ship's port of registry), shall forthwith report to the last-mentioned registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

Provisional certificate and endorsement where ship is to be registered anew.

50.—(1.) Where any registrar, not being the registrar of the ship's port of registry, on an application as to an alteration in a ship directs the ship to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2.) Every such provisional certificate, or certificate provisionally endorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she is registered in the United Kingdom, or, if she is registered in a British possession, at her port of discharge in that British possession, or, if she is registered at a port of registry established by Order in Council under this Act, at that port, be delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew.

(3.) The registrar granting a provisional certificate under this section, or provisionally endorsing a certificate, shall add to the

certificate or endorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the registrar of the ship's port of registry, containing a similar statement as the certificate or endorsement.

Registry anew on change of ownership.

51. Where the ownership of any ship is changed, the registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew, although registration anew is not required under this Act.

Procedure for registry anew.

52.—(1.) Where a ship is to be registered anew, the registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof.

(2.) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register, and the registry anew shall not in any way affect the rights of any of those persons.

Transfer of registry.

53.—(1.) The registry of any ship may be transferred from one port to another on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

(2.) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

(3.) The ship's certificate of registry shall be delivered up to the registrar either of the existing or intended port of registry, and, if delivered up to the former, shall be transmitted to the registrar of the intended port of registry.

(4.) On the receipt of the above documents the registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at the new port of registry, and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

Restrictions on re-registration of abandoned ships.

54. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, the ship shall not be re-registered until she has, at the expense of the applicant for registration, been

surveyed by a surveyor of ships and certified by him to be seaworthy.

Incapacitated Persons.

55.—(1.) Where by reason of infancy, lunacy, or any other cause any person interested in any ship, or any share therein, is incapable of making any declaration or doing anything required or permitted by this Act to be made or done in connexion with the registry of the ship or share, the guardian or committee, if any, of that person, or, if there is none, any person appointed on application made on behalf of the incapable person, or of any other person interested, by any court or judge having jurisdiction in respect of the property of incapable persons, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

Provision for cases of infancy or other incapacity.

(2.) The Trustee Act, 1850, and the Acts amending the same, shall, so far as regards the court exercising jurisdiction in lunacy in Ireland, apply to shares in ships registered under this Act as if they were stock as defined by that Act.

Trusts and Equitable Rights.

56. No notice of any trust, express, implied, or constructive, shall be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose in manner in this Act provided of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Notice of trusts not received.

57. The expression "beneficial interest," where used in this Part of this Act, includes interests arising under contract and other equitable interests; and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

Equities not excluded by Act.

Liability of Beneficial Owner.

58. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary

Liability of owners.

penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them.

Managing Owner.

Ship's managing owner or manager to be registered.

59.—(1.) The name and address of the managing owner for the time being of every ship registered at a port in the United Kingdom shall be registered at the custom house of that port.

(2.) Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

(3.) If default is made in complying with this section the owner shall be liable, or if there are more owners than one each owner shall be liable in proportion to his interest in the ship, to a fine not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

Declarations, Inspection of Register, and Fees.

Power of registrar to dispense with declarations and other evidence.

60. When, under this Part of this Act, any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the registrar, and it is shown to the satisfaction of the registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the registrar may, with the approval of the Commissioners of Customs, and on the production of such other evidence, and subject to such terms as they may think fit, dispense with the declaration or evidence.

Mode of making declarations.

61.—(1.) Declarations required by this Part of this Act shall be made before a registrar of British ships, or a justice of the peace, or a commissioner for oaths, or a British consular officer.

(2.) Declarations required by this Part of this Act may be made on behalf of a corporation by the secretary or any other officer of the corporation authorised by them for the purpose.

Application of fees.

62. All fees authorised to be taken under this Part of this Act, shall, except where otherwise in this Act provided, if taken in any part of the United Kingdom, be applied in payment of the general expenses of carrying into effect this Part of this Act, or otherwise as the Treasury may direct; if taken in a British possession, be disposed of in such way as the Executive Government of the possession direct; and if taken at any port of registry established by Order in Council under this Act, be disposed of as Her Majesty in Council directs.

Returns, Evidence, and Forms.

Returns to be made by registrars.

63.—(1.) Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar at such times as may be fixed by the Registrar-General of Shipping and Seamen,

transmit to him a full return, in such form as the said Registrar-General may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the said Registrar-General.

(2.) Every registrar at a port in the United Kingdom shall on or before the first day of February and the first day of August in every year transmit to the Registrar-General of Shipping and Seamen a list of all ships registered at that port, and also of all ships whose registers have been transferred or cancelled at that port since the last preceding return.

Evidence of register book, certificate of registry, and other documents.

64.—(1.) A person, on payment of a fee not exceeding one shilling, to be fixed by the Commissioners of Customs, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book.

(2.) The following documents shall be admissible in evidence in manner provided by this Act; namely,—

(*a.*) Any register book under this Part of this Act on its production from the custody of the registrar or other person having the lawful custody thereof;

(*b.*) A certificate of registry under this Act purporting to be signed by the registrar or other proper officer;

(*c.*) An endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer;

(*d.*) Every declaration made in pursuance of this Part of this Act in respect of a British ship.

(3.) A copy or transcript of the register of British ships kept by the Registrar-General of Shipping and Seamen under the direction of the Board of Trade shall be admissible in evidence in manner provided by this Act, and have the same effect to all intents as the original register of which it is a copy or transcript.

Forms of documents, and instructions as to registry.

65.—(1.) The several instruments and documents specified in the second part of the First Schedule to this Act shall be in the form prescribed by the Commissioners of Customs, with the consent of the Board of Trade, or as near thereto as circumstances permit; and the Commissioners of Customs may, with the consent of the Board of Trade, make such alterations in the forms so prescribed, and also in the forms set out in the first part of the said schedule, as they may deem requisite.

(2.) A registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or share, or any interest therein, which is made in any form other than that for the time being required under this Part of this Act, or which contains any particulars other than those contained in such form; but the said Commissioners shall, before altering the forms, give such public notice thereof as may be necessary in order to prevent inconvenience.

(3.) The Commissioners of Customs shall cause the said forms to be supplied to all registrars under this Act for distribution to

persons requiring to use the same, either free of charge, or at such moderate prices as they may direct.

(4.) The Commissioners of Customs, with the consent of the Board of Trade, may also, for carrying into effect this Part of this Act, give such instructions to their officers as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Part of this Act, as they think fit.

Forgery and false Declarations.

Forgery of documents.

66. If any person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registry. declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Act, or any entry or endorsement required by this Part of this Act to be made in or on any of those documents, that person shall in respect of each offence be guilty of felony.

False declarations.

67.—(1.) If any person in the case of any declaration made in the presence of or produced to a registrar under this Part of this Act, or in any document or other evidence produced to such registrar—

(i) wilfully makes, or assists in making, or procures to be made any false statement concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship; or

(ii) utters, produces, or makes use of any declaration, or document containing any such false statement knowing the same to be false,

he shall in respect of each offence be guilty of a misdemeanor.

(2.) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein, he shall for each offence be guilty of a misdemeanor, and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

National Character and Flag.

National character of ship to be declared before clearance.

68.—(1.) An officer of customs shall not grant a clearance or transire for any ship until the master of such ship has declared to that officer the name of the nation to which he claims that she belongs, and that officer shall thereupon inscribe that name on the clearance or transire.

(2.) If a ship attempts to proceed to sea without such clearance or transire, she may be detained until the declaration is made.

69.—(1.) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

Penalty for unduly assuming British character.

(2.) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same.

70. If the master or owner of a British ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by British law to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, shall in respect of each offence be guilty of a misdemeanor.

Penalty for concealment of British or assumption of foreign character.

71. If an unqualified person acquires as owner, otherwise than by such transmission as herein-before provided for, any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, that interest shall be subject to forfeiture under this Act.

Penalty for acquiring ownership if unqualified.

72. Where it is declared by this Act that a British ship shall not be recognised as a British ship, that ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships nor to use the British flag or assume the British national character, but so far as regards the payment of dues, the liability to fines and forfeiture, and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised British ship.

Liabilities of ships not recognised as British.

73.—(1.) The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

National colours for ships, and penalty on carrying improper colours.

(2.) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject without warrant from Her Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every

other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding five hundred pounds.

(3.) Any commissioned officer on full pay in the military or naval service of Her Majesty, or any officer of customs in Her Majesty's dominions, or any British consular officer, may board any ship or boat on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty.

(4.) A fine under this section may be recovered with costs in the High Court in England or Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within Her Majesty's dominions.

(5.) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered, summarily, provided that—

(*a*) where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than one hundred pounds; and

(*b*) nothing in this section shall authorise the imposition of more than one fine in respect of the same offence.

Penalty on ship not showing colours.

74.—(1.) A ship belonging to a British subject shall hoist the proper national colours—

(*a*) on a signal being made to her by one of Her Majesty's ships (including any vessel under the command of an officer of Her Majesty's navy on full pay), and

(*b*) on entering or leaving any foreign port, and

(*c*) if of fifty tons gross tonnage or upwards, on entering or leaving any British port.

(2.) If default is made on board any such ship in complying with this section, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) This section shall not apply to a fishing boat duly entered in the fishing boat register and lettered and numbered as required by the Fourth Part of this Act.

Saving for Admiralty.

75. The provisions of this Act with respect to colours worn by merchant ships shall not affect any other power of the Admiralty in relation thereto.

Forfeiture of Ship.

Proceedings on forfeiture of ship.

76.—(1.) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act,

(*a*) any commissioned officer on full pay in the military or naval service of Her Majesty;

(*b*) any officer of customs in Her Majesty's dominions; or

(*c*) any British consular officer,

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, and elsewhere before any Colonial Court of Admiralty or Vice-Admiralty Court in Her Majesty's dominions, and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award

to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship, or any share therein, as the court think fit.

(2.) Any such officer as in this section mentioned shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, if it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

Measurement of Ship and Tonnage.

Rules for ascertaining register tonnage.

77.—(1.) The tonnage of every ship to be registered, with the exceptions herein-after mentioned, shall, previously to her being registered, be ascertained by Rule I. in the Second Schedule to this Act, and the tonnage of every ship to which that Rule I. can be applied, whether she is about to be registered or not, shall be ascertained by the same rule.

(2.) Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by Rule I., shall be measured by Rule II. in the said schedule, and the owner of any ship measured under Rule II. may at any subsequent period apply to the Board of Trade to have the ship re-measured under Rule I., and the Board may thereupon, upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorise, direct the ship to be re-measured accordingly, and the number denoting the register tonnage shall be altered accordingly.

(3.) For the purpose of ascertaining the register tonnage of a ship the allowance and deductions herein-after mentioned shall be made from the tonnage of the ship ascertained as aforesaid.

(4.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

(5.) In ascertaining the tonnage of open ships Rule IV. in the said schedule shall be observed.

(6.) Throughout the rules in the Second Schedule to this Act, the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships, and in carrying those rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.

(7.) The Board of Trade may make such modifications and alterations as from time to time become necessary in the rules in the Second Schedule to this Act for the purpose of the more

accurate and uniform application thereof, and the effectual carrying out of the principle of measurement therein adopted.

(8.) The provisions of this Act relating to tonnage, together with the rules for the time being in force, are in this Act referred to as the tonnage regulations of this Act.

Allowance for engine-room space in steamships.

78.—(1.) In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned, and the remainder shall (subject to any deductions herein-after mentioned) be deemed to be the register tonnage of the ship, and that deduction shall be estimated as follows; (that is to say,)

(*a.*) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, the deduction shall be thirty-seven one-hundredths of the gross tonnage; and in ships propelled by screws, in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of the gross tonnage, the deduction shall be thirty-two one-hundredths of the gross tonnage:

(*b.*) As regards all other ships, the deduction shall, if the Board of Trade and the owner both agree thereto, be estimated in the same manner; but either they or he may, in their or his discretion, require the space to be measured and the deduction estimated accordingly; and whenever the measurement is so required, the deduction shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three fourths of the tonnage of the space; and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space; and the measurement of the space shall be governed by Rule III. in the Second Schedule to this Act.

(2.) Such portion of the space above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, but shall not be included in pursuance of that request unless—

(*a*) that portion is first included in the measurement of the gross tonnage; and

(*b*) a surveyor of ships certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

(3.) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any ship, the master and owner of the ship shall each be liable to a fine not exceeding one hundred pounds.

Deductions for ascertaining tonnage.

79.—(1.) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage, namely:—

(*a.*) In the case of any ship—

(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations scheduled to this Act with regard thereto.

(ii) any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswains stores; and

(iii) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship; and

(*b.*) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails.

(2.) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions; namely,—

(*a.*) The space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended:

(*b.*) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship:

(*c.*) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

80. In the case of a screw steamship which, on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, had an engine-room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Board of Trade, be measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with that addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued.

Measurement of ships with double bottoms for water ballast.

81. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo, stores, or fuel, then the depth required by the provisions of Rule I. relating to the measurement of transverse

areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that Rule.

Tonnage once ascertained to be the tonnage of ship.

82. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall thenceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be re-measured, and her tonnage determined and registered according to the tonnage regulations of this Act.

Fees for measurement.

83. Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those specified in the Third Schedule to this Act, and those fees shall be paid into the Mercantile Marine Fund.

Tonnage of ships of foreign countries adopting tonnage regulations.

84.—(1.) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, without being re-measured in Her Majesty's dominions, be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a British ship is deemed to be the tonnage of that ship.

(2.) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty may deem expedient, and the operation of the Order shall be limited and modified accordingly.

(3.) If it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be re-measured in accordance with this Act.

Space occupied by deck cargo to be liable to dues.

85.—(1.) If any ship, British or foreign, other than a home trade ship as defined by this Act, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by those goods at the time at which the dues become payable.

(2.) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.

(3.) The tonnage of the space shall be ascertained by an officer of the Board of Trade or of Customs in manner directed as to the measurement of poops or other closed-in spaces by Rule I. in the Second Schedule to this Act, and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

(4.) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, or to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

Surveyors and regulations for measurement of ships.

86. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade.

Levy of tonnage rates under local Acts on the registered tonnage.

87. Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

Ports of Registry in Place under Foreign Jurisdiction Act.

Foreign ports of registry. 53 & 54 Vict. c. 37.

88. Where, in accordance with the Foreign Jurisdiction Act, 1890, Her Majesty exercises jurisdiction within any port, it shall be lawful for Her Majesty, by Order in Council, to declare that port a port of registry, and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships at that port of registry, and to make regulations with respect to the registry of British ships thereat.

Registry in Colonies.

Powers of governors in colonies.

89. In every British possession the governor of the possession shall occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in that possession, and shall have power to approve a port within the possession for the registry of ships.

Terminable certificates of registry for small ships in colonies.

90.—(1.) The governor of a British possession may, with the approval of a Secretary of State, make regulations providing that, on an application for the registry under this Act in that possession of any ship which does not exceed sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of six months or any longer period from the granting thereof, and all

certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations provide.

(2.) Any ship to which a certificate is granted under any such regulations shall, while that certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a registered British ship.

Application of Part I.

Application of Part I.

91. This Part of this Act shall apply to the whole of Her Majesty's dominions, and to all places where Her Majesty has jurisdiction.

PART II.

MASTERS AND SEAMEN.

Certificates of Competency.

Certificates of competency to be held by officers of ships.

92.—(1.) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom, and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale :—

(*a.*) In any case with a duly certificated master :

(*b.*) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate in the case of a foreign-going ship, or of mate in the case of a home trade passenger ship :

(*c.*) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated :

(*d.*) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated :

(*e.*) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2.) If any person—

(*a*) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated ; or

(*b*) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine not exceeding fifty pounds :

(3.) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

93.—(1.) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades; (that is to say,) **Grades of certificates of competency.**

Master of a foreign-going ship:
First mate of a foreign-going ship:
Second mate of a foreign-going ship:
Only mate of a foreign-going ship:
Master of a home trade passenger ship:
Mate of a home trade passenger ship:
First-class engineer:
Second-class engineer.

(2.) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

94.—(1.) For the purpose of granting certificates of competency as masters, or mates, to persons desirous of obtaining the same, examinations shall be held by Local Marine Boards at their respective ports. **Examinations for certificates of competency.**

(2.) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—

(*a*) the conduct of the examinations; and

(*b*) the qualification of the applicants:

and may depute any of their officers to attend and assist at any examination.

(3.) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners, and an examiner shall not be appointed, unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade.

(4.) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners, provide that the examination be so held, and require the Local Marine Boards of those ports to act as one board for the purpose of the examination.

(5.) Subject to the powers of the Board of Trade under this section the Local Marine Board may appoint, remove, and re-appoint examiners, and regulate the conduct of the examinations, and any member of the Local Marine Board may be present at and assist at the examinations held by that Board.

95. Where the business of a mercantile marine office is conducted otherwise than under a Local Marine Board, the Board of Trade may exercise all such powers and make all such provisions for the holding of examinations as may be exercised and made by a Local Marine Board. **Examinations by Board of Trade in certain cases.**

96.—(1.) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct. **Engineers certificates of competency.**

(2.) The Board of Trade may appoint times for the examinations, and may appoint, remove, and re-appoint examiners to conduct the

same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

Fees on examination.

97. An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in the Fourth Schedule to this Act, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.

Grant of certificates on passing examination.

98.—(1.) The Board of Trade shall, subject as herein-after mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

(2.) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificates of service for naval officers.

99.—(1.) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination.

(2.) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

(3.) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4.) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.

Form and record of certificate.

100.—(1.) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

(2.) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.

(3.) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

101. If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original. Loss of certificate.

102. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council— Colonial certificates of competency.

(i) declare that the said certificates shall be of the same force as if they had been granted under this Act: and

(ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order: and

(iii) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

103.—(1.) The master of a foreign-going ship— Production of certificates of competency to superintendent.

(*a*) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold: and

(*b*) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

(2.) The master or owner of every home trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.

(3.) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master,

mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.

(4.) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.

Forgery, &c. of certificate of competency.

104. If any person—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or

(*b*) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or

(*c*) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(*d*) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanor.

Apprenticeship to the Sea Service.

Assistance given by superintendents as to apprenticeship.

105. All superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

Apprenticeships of paupers in Great Britain and Ireland.

106. Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such boards or persons; and if made in Ireland, be subject to the following regulations:—

(*a.*) The board of guardians or other persons in any poor law union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:

(*b.*) If the cost of relieving the boy is chargeable to an electoral division of a poor law union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture:

(*c.*) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral

division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed:

(*d.*) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland:

(*e.*) The amount of the costs incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

Attestation pauper apprenticeship.

107. Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians, or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength, and that the person to whom the boy is bound is a proper person for the purpose.

Special provisions as to apprenticeship to the sea service.

108.—(1.) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.

(2.) Every indenture of apprenticeship to the sea service, made in the United Kingdom, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded.

(3.) For the purpose of the record—

(*a*) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar-General of Shipping and Seamen, or to a superintendent, the indenture executed in duplicate, and the Registrar-General or superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice;

(*b*) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar-General of Shipping and Seamen, or to a superintendent, within seven days of the occurrence, if it occurs within the United Kingdom; or, as soon as circumstances permit, if it occurs elsewhere.

(4.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Production of indentures to superintendent before voyage in foreign-going ship.

109.—(1.) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in the United Kingdom, cause the apprentice to appear before the superintendent before whom the crew are engaged, and shall produce to the superintendent the indenture by which the apprentice is bound, and every assignment thereof.

(2.) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew.

(3.) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Licences to supply Seamen.

Licence for supply of seamen.

110. The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper.

Penalty for engaging seamen without licence.

111.—(1.) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

(2.) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

(3.) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4.) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his licence.

Penalty for receiving remuneration from seamen for engagement.

112.—(1.) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act.

(2.) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Engagement of Seamen.

Agreements with crew.

113.—(1.) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.

(2.) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act,

the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each offence be liable to a fine not exceeding five pounds.

114.—(1.) An agreement with the crew shall be in a form approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

Form, period, and conditions of agreements with crew

(2.) The agreement with the crew shall contain as terms thereof the following particulars:—

(*a.*) Either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend:

(*b.*) The number and description of the crew, specifying how many are engaged as sailors:

(*c.*) The time at which each seaman is to be on board or to begin work:

(*d.*) The capacity in which each seaman is to serve:

(*e.*) The amount of wages which each seaman is to receive:

(*f.*) A scale of the provisions which are to be furnished to each seaman:

(*g.*) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(3.) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4.) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade.

115. The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom:—

Special provisions as to agreements with crew of foreign-going ships.

(1.) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent:

(2.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:

(3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the

superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship:

(4.) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(5.) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements:

(6.) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival:

(7.) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds:

(8.) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master:

(9.) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct.

Special provisions as to agreements with crew of home-trade ships.

116. The following provisions shall have effect with respect to the agreements with the crew of home trade ships for which an agreement with the crew is required under this Act:—

(1.) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement:

(2.) Crews or single seamen may, if the master think fit, be engaged before a superintendent in the same manner as they

are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible, cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(3.) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly:

(4.) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

Changes in crew of foreign-going ship to be reported.

117.—(1.) The master of every foreign-going ship whose crew has been engaged before a superintendent shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent, a full and accurate statement, in a form approved by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate as to agreements with crew of foreign-going ships.

118.—(1.) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

(2.) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.

(3.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the

superintendent, and the superintendent shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate as to agreements with crew of home trade ships.

119.—(1.) The master or owner of a home trade ship of more than eighty tons burden shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.

(2.) The superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.

(3.) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Copy of agreement to be made accessible to crew.

120.—(1.) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures,) to be posted up in some part of the ship which is accessible to the crew.

(2.) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Forgery, &c. of agreements with crew.

121. If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanor, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanor.

Alterations in agreements with crew.

122. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement.

123. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof.

Engagement of seamen in colonial and foreign ports.

124.—(1.) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at a

port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications:—

(*a*.) In any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent, an officer of customs:

(*b*.) At any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer:

(*c*.) The officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.

(2.) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

Agreements with Lascars.

Agreements with lascars.

125.—(1.) The master or owner of any ship, or his agent, may enter into an agreement with a lascar, or any native of India, binding him to proceed either as a seaman or as a passenger—

(*a*) to any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in British India; or

(*b*) to any port in the Australian colonies, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's dominions.

(2.) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the lascar or native to his own country and for other purposes, as the Governor-General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

(3.) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of India, or in any such colony by the governor of the colony, may, on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the governor may direct, certify—

(*a*) that the further agreement is a proper agreement in all respects for the lascar or native to make, and is in accordance with the original agreement; and

(*b*) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in

and also where the ship is in one of the said Australian colonies, that it is properly supplied with provisions; and

(*c*) that there is not, in his opinion, any objection to the full performance of the original agreement;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

(4.) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise, shall exhibit to the officer of customs, or to such person as the Board of Trade may authorise in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the failure takes place.

(5.) Nothing in this section shall affect any provisions which are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, intituled, "An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade."

4 Geo. 4. c. 80.

Rating of Seamen.

Rating of seamen.

126.—(1.) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employment of fishermen in decked fishing vessels registered under the first part of this Act shall only count as sea service up to the period of three years of that employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years sea service on board of decked fishing vessels so registered.

(2.) The service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding sixpence), specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

Discharge of Seamen.

Discharge before superintendent.

127.—(1.) When a seaman serving in a British foreign-going ship, whether registered within or without the United Kingdom, is

on the termination of his engagement discharged in the United Kingdom, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of a superintendent.

(2.) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3.) If the master or owner of a home trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Certificate of discharge and return of certificate to officer on discharge.

128.—(1.) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds.

Reports of seaman's character.

129.—(1.) Where a seaman is discharged before a superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).

(2.) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

False or forged certificate of discharge or report of character.

130. If any person—

(*a*) makes a false report of character under this Act, knowing the same to be false; or

(*b*) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(*c*) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(*d*) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

he shall in respect of each offence be guilty of a misdemeanor.

Payment of Wages.

Payment of wages before superintendent.

131.—(1.) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship

pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

Master to deliver account of wages.

132.—(1.) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

(2.) The said account shall be delivered—

(*a*) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(*b*) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.

(3.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Deductions from wages of seamen.

133.—(1.) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

(2.) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Time of payment of wages for foreign-going ships.

134. In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

(*a*.) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or Bank holiday) after he so leaves the ship:

(*b*.) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act:

(*c*.) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless

the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Time of payment of wages for home trade ships.

135.—(1.) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2.) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days double pay.

(3.) Any sum payable under this section may be recovered as wages.

Settlement of wages.

136.—(1.) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.

(2.) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3.) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4.) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

Decision of questions by superintendents.

137.—(1.) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

(2.) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and

decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

Power of superintendent to require production of ship's papers.

138.—(1.) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

(2.) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

Rule as to payment of British seamen in foreign money.

139. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance notes restricted.

140.—(1.) (*a.*) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(*b.*) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2.) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

141.—(1.) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the re w, and shall state the amounts and times of the payments to be made.

(2.) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a

stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one half) of his wages in favour either of a near relative or of a savings bank.

(3.) Allotment notes shall be in a form approved by the Board of Trade.

(4.) For the purposes of the provisions of this Act with respect to allotment notes—

(*a*) the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman.

(*b*) the expression "savings bank" means a seamen's savings bank under this Act, or a trustee savings bank, or a post office savings bank.

Allotments through savings banks.

142.—(1.) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade.

(2.) The sum received by a savings bank in pursuance of an allotment, shall be paid out only on an application made, through a superintendent or the Board of Trade, by the seaman himself, or, in case of his death, by some person to whom his property, if under one hundred pounds in value, may be paid under this Act.

Right of suing on allotment notes.

143.—(1.) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act; provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2.) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

(*a*) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or

(*b*) by a certified copy of some entry in the official log-book to the effect that he has left the ship, or

(*c*) by a credible letter from the master of the ship to the same effect, or

(*d*) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Time for payment of allotment note.

144. A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement with the crew, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

Seamen's Money Orders and Savings Banks.

Remittance of seamen's wages, &c. by seamen's money orders.

145.—(1.) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act.

(2.) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

Power to pay when order is lost.

146. The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of-kin of such person, notwithstanding that the order may not be in his possession; and, from and after the payment, the Board of Trade, and every superintendent and officer of the Board of Trade shall be freed from all liability in respect of the money order.

Penalty for issuing money orders with fraudulent intent.

147. If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony, and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

Power for Board of Trade to establish savings banks.

148.—(1.) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service or other sea service) or the wives, widows, and children of such seamen, so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed two hundred pounds.

(2.) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

(3.) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of

depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

149.—(1.) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

National Debt Commissioners to receive deposits, &c.

(2.) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade, interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

150. All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

Application of deposits of deceased depositor.

151. The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay any expenses incurred by them in relation to seamen's savings banks.

Expenses of savings banks.

152. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act, and of the interest thereon, and a copy of all regulations made by the Board of Trade with respect to seamen's savings banks shall be laid before both Houses of Parliament.

Accounts and copy of regulations to be laid before Parliament.

153. Legal proceedings shall not be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

Public officers to be exempt from legal proceedings, except in case of wilful default.

154. If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

Forgery of documents, &c., for purpose of obtaining money in seamen's savings bank.

(*a*) forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or

(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to be made, any false representation, knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Rights of Seamen in respect of Wages.

Right to wages, &c. when to begin.

155. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages, and salvage not to be forfeited.

156.—(1.) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2.) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not to depend on freight.

157.—(1.) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.

(2.) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages on termination of service by wreck or illness.

158. Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Wages not to accrue during refusal to work

159. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the

agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

or imprisonment.

160. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

161. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Costs of procuring punishment may be deducted from wages.

162. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

Compensation to seamen improperly discharged.

163.—(1.) As respects wages due or accruing to a seaman or apprentice to the sea service—

Restriction on sale of, and charge upon, wages.

(*a*) they shall not be subject to attachment or arrestment from any court;

(*b*) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(*c*) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(*d*) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

(2.) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Mode of recovering Wages.

164. A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Summary proceedings for wages.

165. A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman

Restrictions o suits for wage

or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except—

(i) where the owner of the ship is adjudged bankrupt; or

(ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or

(iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or

(iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Wages not recoverable abroad in certain cases.

166.—(1.) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board.

(2.) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case thinks reasonable.

Remedies of master for wages, disbursements, &c.

167.—(1.) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

(2.) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3.) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Power of Courts to rescind Contracts.

Power of court to rescind contract between owner or master and seaman or apprentice.

168. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances

of the case they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of deceased Seamen.

Property of seamen who die during voyage.

169.—(1.) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, whether a foreign-going or a home trade ship, dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2.) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3.) The master shall enter in the official log-book the following particulars:—

(*a.*) A statement of the amount of the money and a description of the effects:

(*b.*) In case of a sale, a description of each article sold, and the sum received for each:

(*c.*) A statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.

(4.) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5.) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

Dealing with and account of property of seamen who die during voyage.

170.—(1.) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.

(2.) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require.

(3.) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom.

(4.) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United

Kingdom, deliver and pay the property to the superintendent at that port.

(5.) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

(6.) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.

(7.) A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

Penalty for non-compliance wi provisions as to property of deceased seamen.

171.—(1.) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained not exceeding fifty pounds.

(2.) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding fifty pounds.

(3.) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Property of deceased seamen left abroad but not on board ship.

172. If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part of this Act.

173.—(1.) A chief officer of customs in a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.

Dealing with property of deceased seamen by officers abroad.

(2.) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such manner, and shall render such accounts in respect thereof as the Board of Trade require.

174.—(1.) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

Recovery of wages, &c. of seamen lost with their ship.

(2.) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.

(3.) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

175. If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

Property of seamen dying at home.

176.—(1.) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:—

Payment over of property of deceased seamen by Board of Trade.

(*a*.) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased:

(*b.*) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(*c.*) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2.) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

Dealing with deceased seaman's property when he leaves a will.

177.—(1.) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above-mentioned residue—

(*a*) if the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship, and

(*b*) if the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, British consular officer, or an officer of customs.

(2.) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made.

Claims by creditors.

178.—(1.) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor.

(2.) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

(3.) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved by the Board, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.

(4.) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that Board shall give notice to the creditor of the allowance of the claim.

(5.) If no claim has been allowed, the Board of Trade shall investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers,

and papers relating thereto; and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Board of Trade will extend for that purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next-of-kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.

(7.) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next-of-kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

Dealing with unclaimed property of deceased seaman.

179. Where no claim to the property of a deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and, subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund).

45 & 46 Vict. c. 99.

Forgery of documents, &c., for purpose of obtaining property of deceased seamen.

180. If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service,—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or

(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(*c*) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,—

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Property of seamen discharged from Royal Navy.

181. Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant-General of Her Majesty's Navy directs.

Reimbursement of Relief to Seamen's Families.

Relief to seamen's families to be chargeable on a certain proportion of their wages.

182.—(1.) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportions of his wages; (that is to say,)

(*a.*) If only one of those members is chargeable, one half of the wages:

(*b.*) If two or more of those members are chargeable, two thirds of the wages.

(2.) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

Notice to owner, and enforcement of charge.

183.—(1.) For the purpose of obtaining such reimbursement as aforesaid, the board of guardians in a poor law union in England or Ireland, and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector.

(2.) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

(3.) The board or inspector may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the residue of the wages to the seaman.

(4.) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

Destitute Seamen.

184.—(1.) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.

Penalty on masters of ships leaving certain seamen in distress in the United Kingdom.

(2.) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

185.—(1.) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.

Relief of destitute lascars.

(2.) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars; namely,—

(*a.*) The name of the person relieved or maintained; and

(*b*) The part of India of which he professes to be a native; and

(*c.*) The name of the ship in which he was brought to the United Kingdom; and

(*d.*) The port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival.

(3.) The Secretary of State in Council of India shall repay to the board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several

4 Geo. c. 80. s. 34. 3 & 4 Will. 4. c. 93.

debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom.

(4.) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

Leaving Seamen Abroad.

Discharge of seamen in foreign countries.

186.—(1.) In the following cases; namely,—

(*a*) where a British ship is transferred or disposed of at any port out of Her Majesty's dominions, and a seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such officer there, in the presence of one or more respectable British merchants residing at the port and not interested in the ship, signify his consent in writing to complete the voyage if continued and

(*b*) where the service of any seaman or apprentice belonging to any British ship terminates at any port out of Her Majesty's dominions,

the master shall give to that seaman or apprentice a certificate of discharge in a form approved by the Board of Trade, and in the case of any certificated officer whose certificate he has retained shall return such certificate to him.

(2.) The master shall also besides paying the wages to which the seaman or apprentice is entitled, either—

(*a*) provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to a port in the United Kingdom agreed to by the seaman, or

(*b*) furnish the means of sending him back to some such port, or

(*c*) provide him with a passage home, or

(*d*) deposit with the consular officer or merchants as aforesaid such a sum of money as is by the officer or merchants deemed sufficient to defray the expenses of his maintenance and passage home.

(3.) The consular officer or merchants shall endorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section.

(4.) If the master fails, without reasonable cause, to comply with any requirement of this section, the expenses of maintenance or passage home,—

(*a*) if defrayed by the seaman or apprentice shall be recoverable as wages due to him; and

(*b*) if defrayed by the consular officer or by any other person shall (unless the seaman or apprentice has been guilty of barratry) be a charge upon the ship to which the seaman or apprentice belonged and upon the owner for the time being thereof and may be recovered against the owner, with costs, at the suit of the consular officer or other person defraying the

expenses, or, in case they have been allowed to him out of public money, as a debt to the Crown, either by ordinary process of law, or in the manner in which wages can be recovered under this Act.

Penalty for forcing seamen on shore or leaving them behind.

187. The master of, or any other person belonging to, a British ship, shall not wrongfully force on shore and leave behind, or otherwise wilfully and wrongfully leave behind, in any place on shore or at sea, in or out of Her Majesty's dominions, a seaman or apprentice to the sea service before the completion of the voyage for which he was engaged or before the return of the ship to the United Kingdom, and if he does so, he shall in respect of each offence be guilty of a misdemeanor.

Seamen not to be discharged or left abroad unless sanction or certificate obtained.

188.—(1.) The master of a British ship shall not discharge a seaman or apprentice to the sea service abroad, or leave him behind abroad, ashore, or at sea, unless he previously obtains, endorsed on the agreement with the crew, the sanction, or in the case of leaving behind the certificate—

(*a*) at any place in a British possession of a superintendent (or in the absence of any such superintendent of the chief officer of customs at or near the place) ; and

(*b*) at any place elsewhere of the British consular officer for the place, or, in the absence of any such officer, of two merchants resident at or near the place, or, if there is only one merchant so resident, of that merchant,

but nothing in this section shall require such sanction where the discharge is in the British possession where the seaman was shipped.

(2.) The certificate shall state in writing the fact and cause of the seaman being left behind whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance.

(3.) The person to whom an application is made for a sanction or certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman or apprentice is to be discharged or left abroad, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction or certificate as he thinks just.

(4.) If a master acts in contravention of this section, he shall be guilty of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction or certificate was obtained, or could not be obtained.

Accounts and payment of wages in case of seamen left abroad.

189.—(1.) Where a master of a British ship leaves a seaman or apprentice on shore abroad, whether within or without Her Majesty's dominions, on the ground of his unfitness or inability to proceed on the voyage, he shall deliver to the person signing the certificate above mentioned, a full and true account of the wages due to the seaman or apprentice, and if the said person is a consular officer shall deliver the account in duplicate.

(2.) If a master fails without reasonable cause to deliver the account he shall for each offence be liable to a fine not exceeding ten pounds, and if he delivers a false account he shall for each offence be liable to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

(3.) The master shall pay the amount of wages due to a seaman or apprentice so left abroad as aforesaid, if he is left in a British possession to the seaman or apprentice himself, and if he is left elsewhere to the British consular officer.

(4.) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bill drawn on the owner of the ship, but if payment is made by bill—

(*a*) the person signing the certificate shall certify by endorsement on the bill that the same is drawn for seamen's wages, and shall also endorse on the agreement with the crew, the amount for which the bill is drawn, and such further particulars as the Board of Trade require;

(*b*) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

(*c*) a bill purporting to be drawn and endorsed under this section, shall if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

(5.) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable in addition to the payment of the wages to a fine not exceeding ten pounds.

(6.) Where payment is made to a British consular officer, that officer shall, if satisfied with the account, endorse on one of the duplicates thereof a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination in the United Kingdom to the superintendent at that port.

(7.) The British consular officer shall retain the other duplicate of the account, and shall deal with the sum so paid to him in the following manner; namely,—

(*a.*) If the seaman or apprentice subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman or apprentice under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman or apprentice, and deliver to him an account of the sums so received and expended on his behalf;

(*b.*) If the seaman or apprentice dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and

(*c.*) If the seaman or apprentice is sent home at the public expense under this Act, he shall account for the sum to the Board of Trade; and the sum, after deducting any expenses duly incurred in respect of the seaman or apprentice, except

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such expenses as the master or owner of the ship is required by this Act to pay, shall be dealt with as wages of the seaman or apprentice.

Distressed Seamen.

Regulations as to relief and maintenance of distressed seamen.

190. The Board of Trade may make regulations with respect to the relief, maintenance, and sending home of seamen and apprentices found in distress abroad, and may, by those regulations (in this Act referred to as the distressed seamen regulations) make such conditions as they think fit with regard to that relief, maintenance, and sending home, and a seaman shall not have any right to be relieved, maintained, or sent home except in the cases and to the extent and on the conditions provided by those regulations.

Provisions for maintenance and relief of distressed seamen.

191.—(1.) The following authorities, that is to say, governors of British possessions, British consular officers, and other officers of Her Majesty in foreign countries shall, and, in places where there are no such officers, any two resident British merchants, or if there is only one British merchant so resident that merchant, may in accordance with and on the conditions prescribed by the distressed seamen regulations, provide for the maintenance, until a passage home can be procured, of the following seamen and apprentices (who are in this Act included in the term distressed seamen); namely,—

(*a.*) Seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who by reason of having been discharged or left behind abroad or shipwrecked from any British ship, or any of Her Majesty's ships, are in distress in any place abroad; and

(*b.*) Seamen and apprentices to the sea service, being subjects of Her Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the Government or to a subject or citizen of a foreign country, and are in distress in any place abroad.

(2.) For the purpose of providing a distressed seaman with a passage home, the authority shall put him on board a British ship bound either to the United Kingdom or to the British possession to which the seaman belongs (as the case requires), which is in want of men to make up its complement; or if there is no such ship, then the authority shall provide the seaman with a passage home as soon as possible in any ship, British or foreign, bound as aforesaid.

(3.) The authority shall endorse on the agreement with the crew of the ship, if a British ship, on board of which a distressed seaman is placed, the name of every person so placed on board with any particulars directed by the distressed seamen regulations to be endorsed.

(4.) The authority shall be paid in respect of the expenses of the maintenance and conveyance of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as herein-after provided.

Masters of ships compelled to take distressed seamen.

192.—(1.) The master of every British ship so bound as aforesaid shall receive on board his ship, and afford a passage and maintenance to all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

(2.) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, and verified by the Registrar-General of Shipping and Seamen, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen and apprentices employed on board his ship, and every variation in that number, whilst the distressed seaman received maintenance, the master shall be entitled to be paid, in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.

(3.) If any master of a British ship fails without reasonable cause to comply with this section in the case of any seaman or apprentice, he shall for each offence be liable to a fine not exceeding one hundred pounds.

Recovery of expenses of relief of distressed seamen.

193.—(1.) Where any expenses on account of any such distressed seaman or apprentice as follows; namely,—

(*a*) any seaman or apprentice belonging to a British ship, who has been discharged or left behind abroad, without full compliance on the part of the master with the provisions in that behalf in this Act contained;

(*b*) a subject of Her Majesty, who has been engaged to serve in a ship belonging to the Government or to a subject or citizen of a foreign country,

either for his maintenance, necessary clothing, conveyance home, or, in case of death, for his burial, or otherwise in accordance with this Act are incurred by or on behalf of the Crown, or are incurred by the Government of a foreign country, and repaid to that Government by or on behalf of the Crown, those expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman or apprentice belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.

(2.) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade on behalf of the Crown either by ordinary process of law, or in the court and manner in which wages may be recovered by seamen.

(3.) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

194. All expenses paid under this Act by or on behalf of the Crown for the relief of distressed seamen, shall be paid out of the Mercantile Marine Fund, and all sums received or recovered towards those expenses shall be carried to that fund.

Payment of expenses out of Mercantile Marine Fund.

Volunteering into the Navy.

195.—(1.) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever.

Seamen allowed to leave their ships in order to enter the Navy.

(2.) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

196.—(1.) If a seaman, without having previously committed an act amounting to and treated by the master as desertion, leaves his ship in order to enter the naval service of Her Majesty, and is received into that service, the master shall deliver to him his effects on board the ship, and shall pay, subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorised to receive the seaman into that service, either in money or by bill drawn upon the owner, and payable at sight to the order of the Accountant-General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given; and the bill shall be exempt from stamp duty.

Money and effects of seamen volunteering into Navy.

(2.) If the master fails so to deliver the seaman's effects, or to pay his wages, as by this section required, he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds.

(3.) If any such bill be not duly paid when presented, the Accountant-General of the Navy or the seaman on whose behalf the bill is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to seamen are recoverable.

197.—(1.) Where the wages of a seaman received into Her Majesty's naval service are paid in money, the money shall be credited in the ship's ledger to the account of the seaman.

Wages of seamen received into Navy.

(2.) Where the wages are paid by bill, the bill shall be noted in the ship's ledger, and sent to the Accountant-General of the Navy,

who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.

(3.) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant-General as aforesaid.

(4.) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he has quitted for the purpose of entering Her Majesty's service.

(5.) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

(6.) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.

(7.) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant-General of the Navy; and the Accountant-General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant-General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8.) If any person in making or supporting any application under this section—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or

(*b*) presents or makes use of any document so forged or fraudulently altered; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to b made, any false representation, knowing the same to be as

that person shall in respect of each offence be guilty of a misdemeanor.

Provisions, Health, and Accommodation.

198.—(1.) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British consular officer, a superintendent, or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined.

Complaints as to provisions or water.

(2.) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Board of Trade, and that report shall be admissible in evidence in manner provided by this Act.

(4.) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

199. In either of the following cases; (that is to say,)

Allowance for short or bad provisions.

(i) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or

(ii) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use;

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages; (that is to say,)

(*a*) if his allowance is reduced by not more than one third of the quantity specified in the agreement, a sum not exceeding fourpence a day:

(*b*) if his allowance is reduced by more than one third of that quantity, eightpence a day:

(*c*) in respect of bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

Regulations respecting medicines, anti-scorbutics, &c.

200.—(1.) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same.

(2.) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3.) The master or owner of every such ship, except in the case of—

(*a*) ships bound to European ports or ports in the Mediterranean Sea; and

(*b*) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log-book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any.

(4.) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the non-compliance was not caused through his inattention, neglect, or wilful default.

(5.) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log-book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.

(6.) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.

(7.) If any person manufactures, sells, or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality, he shall, for each offence, be liable to a fine not exceeding twenty pounds.

201.—(1.) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

Weights and measures on board.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

202.—(1.) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this Part of this Act to be provided.

Inspection of medicines, medical stores, and anti-scorbutics.

(2.) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act, and shall act, if appointed by a local marine board, under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made), and, if appointed by the Board of Trade, under the direction of the Board of Trade.

(3.) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, if reasonable notice in writing for the purpose is given to him by the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless he has reason to suspect that any of the articles inspected have been subsequently removed, injured, or destroyed.

(4.) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee thereof, and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships, that the default found by the inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding twenty pounds.

203.—(1.) A medical inspector of seamen appointed under this Part of this Act shall, on application by the owner or master of any ship, examine any seaman applying for employment in that ship, and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

Medical inspection of seamen.

(2.) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the Mercantile Marine Fund.

Appointment of medical inspectors.

204.—(1.) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the Board of Trade may fix his remuneration, and at any port where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration.

(2.) The local marine board, and at a port where there is no such local marine board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the Mercantile Marine Fund such remuneration as the Board of Trade direct.

Appointment of medical inspector, and regulations as to supply of anti-scorbutics in colonies.

205. The governor of a British possession shall have the power in that possession—

(*a*) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and,

(*b*) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

Inspection of provisions and water for crew of certain ships.

206.—(1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.

(2.) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.

(3.) No fee for an inspection under this section shall be levied on the ship.

(4.) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

(5.) The Board of Trade may appoint officers for the purposes of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

Expenses of medical attendance in case of illness.

207.—(1.) If the master of, or a seaman or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman, or apprentice until he is cured, or dies, or is brought back, if shipped in the United Kingdom, to a port of the United Kingdom, or if shipped in a British possession to a port of that possession, and of his conveyance to the port, and in case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2.) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine and of his maintenance while away from the ship shall be defrayed in like manner.

(3.) The expense of all medicines, surgical and medical advice, and attendance, given to a master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.

(4.) If a seaman or apprentice is ill and has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, anti-scorbutics, or accommodation, as are required by this Act, then the owner or master, unless it can be proved that the illness has been produced by other causes, shall be liable to pay all expenses (not exceeding on the whole three months wages) properly and necessarily incurred by reason of the illness either by the seaman himself or by the Crown or any parochial or local authority on his behalf, and those expenses may be recovered as if they were wages duly earned, but this provision shall not affect any further liability of the master or owner for the neglect, or any other remedies possessed by the seaman or apprentice.

(5.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

Recovery of expenses from owner.

208.—(1.) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner, are paid by any British consular officer or other person on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice whose wages are not accounted for under this Act to

that officer, are so paid, those expenses shall be repaid to the officer or other person by the master of the ship.

(2.) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, as a debt to the Crown, either by ordinary process of law or in the same court and manner as wages due to seamen.

(3.) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person.

Certain ships to carry medical practitioners.

209.—(1.) Every foreign-going ship, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.

(2.) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

Accommodation for seamen.

210.—(1.) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

(2.) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3.) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

Facilities for making Complaint.

Facilities for making complaint.

211.—(1.) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in command of one of Her Majesty's ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—

(*a*) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement, and

(*b*) if the ship is not then at such a place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint.

(2.) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Protection of Seamen from Imposition.

212. Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

Assignment or sale of salvage invalid.

213. A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

No debt exceeding 5s. recoverable till end of voyage.

214.—(1.) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

Seamen's lodging-houses.

(2.) The byelaws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

(3.) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the county council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression "district" means the area under the authority of such local authority.

30 & 31 Vict. c. 101.

41 & 42 Vict. c. 52.

Penalty for overcharges by lodging-house keepers.

215. If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for detaining seamen's effects.

216.—(1.) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(2.) A court of summary jurisdiction may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

Penalty for solicitations by lodging-house keepers.

217. If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for each offence be liable to a fine not exceeding five pounds.

Penalty for being on board ship without permission before seamen leave.

218. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, and any person, not being in Her Majesty's service or not being duly authorised by law for the purpose,—

(*a*) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,

(*b*) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the customs,

that person shall for each offence be liable to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken before a court capable of taking cognizance of the offence.

219. Whenever it is made to appear to Her Majesty that the Government of a foreign country— Application of provisions of previous section to foreign ships.

(*a*) has provided that unauthorised persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons going on board British ships at the end of their voyages; and

(*b*) is desirous that the provisions of the said section shall apply, to unauthorised persons going on board ships of that foreign country within British territorial jurisdiction,

Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

Provisions as to Discipline.

220. If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,— Misconduct endangering life or ship.

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanor.

221. If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences he shall be liable to be punished summarily as follows:— Desertion and absence without leave.

(*a.*) If he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;

(*b.*) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if

the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

Conveyance of deserter on board ship.

222.—(1.) If in the United Kingdom a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee of the ship, may, with or without the assistance of the local police officers or constables, convey him on board his ship, and those officers and constables are hereby directed to give assistance if required:

(2.) Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matter to be dealt with according to law.

(3.) If it appears to the court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may inflict on the master, mate, owner, ship's husband, or consignee, as the case may be, a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

Provisions as to arrest and imprisonment applying out of the United Kingdom.

223.—(1.) If out of the United Kingdom, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions, if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

(2.) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

(3.) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds; but the infliction of

that fine shall be a bar to any action for false imprisonment in respect of the arrest.

(4.) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Power of court to order offender to be taken on board ship.

224.—(1.) Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require, may (and if out of the United Kingdom in lieu of committing him to prison), cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

(2.) If in the United Kingdom a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given, the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship.

General offences against discipline.

225.—(1.) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows; (that is to say,)

(*a.*) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

(*b.*) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days pay:

(*c.*) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for

every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute:

(*d.*) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*e.*) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*f.*) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks:

(*g.*) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2.) Any imprisonment under this section may be with or without hard labour.

Summary remedies not to affect other remedies.

226. Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Penalty for false statement as to last ship or name.

227.—(1.) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding five pounds.

(2.) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

Entry of offences in official log.

228. If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,

(*a*) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew; and

(*b*) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time

in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

(*c*) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and

(*d*) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

Entries and certificates of desertion abroad.

229.—(1.) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log-book to the person by this Act authorised to grant certificates for leaving seamen behind abroad; and that person shall thereupon make and certify a copy of the entry.

(2.) The copy shall be forthwith transmitted to the Registrar-General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

Register of deserters.

230. A superintendent shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

Facilities for proving desertion in proceedings for forfeiture of wages.

231.—(1.) Whenever a question arises whether the wages of any seamen or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures.

232.—(1.) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund.

(2.) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3.) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Decision of questions of forfeiture and deductions in suits for wages.

233. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Ascertainment of amount of forfeiture out of wages.

234. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deduction from wages, and payments to superintendents, &c. of fines.

235.—(1.) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows; (that is to say,)

(*a.*) If the offender is discharged in the United Kingdom, and the offence, and the entry in the log-book required by this Act in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship, of the superintendent before whom the offender is discharged, and in the case of a home trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender, and pay it to the superintendent;

(*b.*) If the offender enters Her Majesty's naval service or is discharged abroad before the final discharge of the crew in the United Kingdom, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the consular officer or other person by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log-book of the ship and signed by the officer or other person to whose satisfaction the offence is proved; and

(*c.*) On the return of the ship to the United Kingdom the master or owner shall pay the fine to the superintendent before whom

the crew is discharged or in the case of a home trade ship to the superintendent at or nearest the port at which the crew are discharged.

(2.) If a master or owner fails without reasonable cause so to pay the fine, he shall for each offence be liable to a fine not exceeding six times the amount of the fine not so paid.

(3.) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

236.—(1.) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding ten pounds.

Penalty for enticing to desert and harbouring deserters.

(2.) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted, from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding twenty pounds.

237.—(1.) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.

Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion

(2.) Every seafaring person whom the master of a ship is, under the authority of this or any other Act, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

238.—(1.) Where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order

Deserters from foreign ships.

(2.) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice, or officer that would have had cognizance of the matter if the seaman

or apprentice had deserted from a British ship shall, on the application of a consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3.) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

Official Logs.

Official logs to be kept and to be evidence.

239.—(1.) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.

(2.) The Board of Trade shall approve forms of official log-books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3.) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book be duly filled up.

(4.) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5.) Every entry in the official log-book shall be signed by the master, and by the mate, or some other of the crew, and also

(*a*) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and

(*b*) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(*c*) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorised to receive the seaman into that service.

(6.) Every entry made in an official log-book in manner provided by this Act shall be admissible in evidence.

Entries required in official log-book.

240. The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters (that is to say,)

(1.) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted:

(2.) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required:

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars:

(5.) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6.) Every marriage taking place on board with the names and ages of the parties:

(7.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

(8.) The wages due to any seaman who enters Her Majesty's naval service during the voyage:

(9.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

(10.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it:

(11.) Every collision with any other ship, and the circumstances under which the same occurred: and

(12.) Any other matter directed by this Act to be entered.

Offences in respect of official logs.

241.—(1.) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall for each offence be liable to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine not exceeding five pounds.

(2.) If any person makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall for each offence be liable to a fine not exceeding thirty pounds.

(3.) If any person wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, he shall in respect of each offence be guilty of a misdemeanor.

Delivery of official logs to superintendent of mercantile marine office.

242.—(1.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the superintendent before whom the crew is discharged.

(2.) The master or owner of every home trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-book for the preceding half year to some superintendent in the United Kingdom.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the same consequences and liabilities to which he is subject for the non-delivery of the list of the crew required to be delivered under this Part of this Act.

Official logs to be sent home in case of transfer of ship, and in case of loss.

243.—(1.) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Local Marine Boards.

Continuance and constitution of local marine board.

244.—(1.) There shall be local marine boards for carrying into effect this Act under the superintendence of the Board of Trade at those ports of the United Kingdom at which local marine boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2.) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that schedule shall apply to the board and elections thereof.

(3.) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.

(4.) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5.) Any act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the board, or of any vacancy in the board.

Control of Board of Trade over local marine boards.

245.—(1.) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any local marine board, or by any superintendent, or by any

examiner or other officer or servant under the control of any local marine board, shall be open to the inspection of the Board of Trade and their officers.

(2.) If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of the local marine board shall take place immediately.

(3.) If on complaint made to the Board of Trade it appears to them that at any port, any appointments or arrangements made by the local marine board under this Act are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intention of this Act and to the wants of the port.

Mercantile Marine Offices.

Establishment and control of mercantile marine offices.

246.—(1.) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.

(2.) In every port where there is a local marine board the board shall procure the said buildings and property, and appoint and remove the superintendents, deputies, clerks, and servants, and regulate the business at, and have the control of, the mercantile marine office, subject as follows:—

(*a.*) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be so appointed, and the amount of their salaries and wages, and all other expenses.

(*b.*) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.

(*c.*) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by a local marine board does not properly discharge his duties, they may cause the case to be investigated, and if they think fit remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.

(*d.*) The Board of Trade may appoint any superintendent of or other person connected with any sailors' home in the port of London to be a superintendent with any necessary deputies clerks and servants, and may appoint an office in any such home to be a mercantile marine office, and all persons and

offices so appointed shall be subject to the immediate control of the Board of Trade, and not of the local marine board of the port.

(3.) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—

(*a*) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite superintendents, deputies, clerks, and servants, or

(*b*) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house, and thereupon the custom house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

Business of mercantile marine office.

247.—(1.) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—

to afford facilities for engaging seamen by keeping registries of their names and characters:

to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:

to provide means for securing the presence on board at the proper times of the seamen who are so engaged:

to facilitate the making of apprenticeships to the sea service: and

to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.

(2.) Any act done by to or before a deputy duly appointed shall have the same effect as if done by to or before a superintendent.

Embezzlement by officers of local marine boards.

248.—(1.) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement).

(2.) If any person so appointed to an office or service—

(*a*) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or

(*b*) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861.

24 & 25 Vict. c. 96.

(3.) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.

(4.) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

249. The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent.

Power to dispense with transaction of certain matters at mercantile marine offices.

250. If a superintendent, deputy, clerk, or servant, in a mercantile marine office demands or receives save as provided by any Act, or authorised by the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.

Prohibition on taking fees at mercantile marine office.

Registration of and Returns respecting Seamen.

251.—(1.) There shall be maintained in the port of London, under the control of the Board of Trade, an office, called the General Register and Record Office of Seamen.

Establishment of register office.

(2.) The Board of Trade may appoint and remove a Registrar-General called "The Registrar-General of Shipping and Seamen," and such assistants, clerks, and servants as may be necessary, and, with the consent of the Treasury, regulate their salaries and allowances; and those salaries and allowances, and all other necessary expenses, shall be paid out of moneys provided by Parliament.

(3.) The Board of Trade may direct that the business of the said office at any of the outports be transacted at the mercantile marine office there, or with the consent of the Commissioners of Customs at the Custom House there, and may appoint the superintendent, or with the said consent some officer of customs, as the case may be, to conduct the business, and the business shall thereupon be conducted accordingly, subject to the immediate control of the Board of Trade.

252. The Registrar-General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act.

Register of seamen.

253.—(1.) The master—

Lists of the crew.

(*a*) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and

(*b*) of a home trade ship;

shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

(i.) The number and date of the ship's register, and her registered tonnage:

(ii.) The length and general nature of the voyage or employment:

(iii.) The names, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(iv.) The names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(v.) The names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof:

(vi.) The wages due at the time of death to any of the crew who have died:

(vii.) The property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold:

(viii.) Any marriage which takes place on board with the date thereof, and the names and ages of the parties.

(2.) The list of the crew—

(*a*) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the superintendent before whom the crew is discharged; and

(*b*) in the case of a home trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year;

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced, and an officer of customs shall not clear inwards any foreign-going ship until the certificate is produced.

(3.) If the master in the case of a foreign-going ship, or the master or owner in the case of a home trade ship, fails without reasonable cause to deliver or transmit the list of the crew as required by this section, he shall for each offence be liable to a fine not exceeding five pounds.

Return of births and deaths in British ships.

254.—(1.) The master of every British ship, whether registered or not in the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log-book or otherwise the fact of the birth or death, and the particulars required by the Eighth

Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

(2.) The master of every British ship, upon its arrival at any port in the United Kingdom, or at such other time and place as the Board of Trade may with respect to any ship or class of ships direct, shall deliver or transmit, in such form as the Board of Trade direct, a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship to the Registrar-General of Shipping and Seamen.

(3.) Where the said return is directed by the Board of Trade to be delivered or transmitted upon the arrival of the ship or the discharge of the crew or otherwise at any port out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return, instead of being delivered or transmitted to the Registrar-General of Shipping and Seamen, shall be delivered, and the same shall accordingly be delivered, if the port is in a British possession, to the superintendent or chief officer of customs at such port, and if it is elsewhere, to the British consular officer at the port, and such superintendent or officer shall transmit the same as soon as may be to the Registrar-General of Shipping and Seamen.

(4.) The Registrar-General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows; (that is to say,)

(*a*) if it appears from the return that the father of the child so born, or if the child is a bastard the mother of the child, or that the person deceased was a Scotch or Irish subject of Her Majesty, then to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require; and

(*b*) in any other case to the Registrar-General of Births and Deaths in England;

and such Registrar-General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the marine register book; and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(5.) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding five pounds.

Return in case of transfer or loss of ship.

255.—(1.) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Transmission of documents to registrar by superintendents and other officers.

256.—(1.) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose, and shall if required, produce them for any of those purposes, and shall then transmit them to the Registrar-General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

1 & 2 Vict. c. 94. 40 & 41 Vict. c. 55.

(2.) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877, and those Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

Deposit of documents at foreign ports and in colonies.

257.—(1.) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with:

(2.) The officer shall keep the documents during the ship's stay in the port, and in cases where any endorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned:

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar-General of Shipping and Seamen:

(4.) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

258. If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Documents to be handed over to successor on change of master.

Sites for Sailors Homes.

259. The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Corporations, &c. may grant sites for sailors homes.

Application of Part II.

260. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as herein-after provided with respect to—

(*a*) ships belonging to any of the three general lighthouse authorities;
(*b*) pleasure yachts; and
(*c*) fishing boats.

Application of Part II. to ships registered in the United Kingdom.

261. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; (that is to say,)

(*a.*) The provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;
(*b.*) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and
(*c.*) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and
(*d.*) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports

Application of Part II. to ships registered elsewhere than in the United Kingdom.

abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

Partial application of Part II. to ships of lighthouse authorities and pleasure yachts.

262. The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

(*a*) the requirement of officers to hold certificates of competency, and the production of those certificates;

(*b*) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;

(*c*) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;

(*d*) the engagement or supply of seamen or apprentices by or through unlicensed persons;

(*e*) agreements with the crew (except the provisions relating to the engagement of a seaman abroad);

(*f*) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;

(*g*) the accommodation for seamen;

(*h*) the deduction and payment of fines imposed under stipulations in the agreement;

(*i*) the delivery of documents at ports abroad to consular or customs officers; or

(*j*) official log books.

Partial application of Part II. to fishing boats.

263.—(1.) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as herein-after provided with respect to Scotland or by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(2.) The provisions of this Part of this Act relating to—

(*a*) apprenticeships to the sea service;

(*b*) compulsory agreements with the crew;

(*c*) the alteration, falsification, or posting up of copies of agreements with the crew;

(*d*) compensation to seamen improperly discharged;

(*e*) the delivery of an account of wages;

(*f*) the granting of certificates of discharge and the return of certificates of competency by the master;

(*g*) the decision of questions by the superintendent when referred to him;

(*h*) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him; or

(*i*) the sections constituting the offences of desertion, absence without leave, and offences against discipline;

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(3.) So far as respects Scotland all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

Application of Part II. to colony by colonial legislatures.

264. If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

Conflict of laws.

265. Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

Unregistered ship deemed to be registered in United Kingdom for certain purposes.

266. This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.

PART III.

PASSENGER AND EMIGRANT SHIPS.

1. DEFINITIONS.

Definition of Passenger Steamer and Passenger.

Definition of "passenger" and "passenger steamer."

267. For the purposes of this Part of this Act—

The expression "passenger" shall include any person carried in a ship other than the master and crew, and the owner, his family and servants; and

The expression "passenger steamer" shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom, except steam ferry boats working in chains (commonly called steam bridges) and every foreign steamship carrying passengers between places in the United Kingdom.

Definition of Emigrant Ship, &c.

"Emigrant ship," &c. to which Part applies.

268. For the purposes of this Part of this Act, unless the context otherwise requires—

(1.) The expression "emigrant ship" shall mean every sea-going ship, whether British or foreign, and whether or not conveying

mails, carrying, upon any voyage to which the provisions of this Part of this Act respecting emigrant ships apply, more than fifty steerage passengers or a greater number of steerage passengers than in the proportion—

(*a*) if the ship is a sailing ship, of one statute adult to thirty-three tons of the ship's registered tonnage; and

(*b*) if the ship is a steam ship of one statute adult to every twenty tons of the ship's registered tonnage; and

includes a ship which, having proceeded from a port outside the British Islands, takes on board at any port in the British Islands such number of steerage passengers whether British subjects or aliens resident in the British Islands, as would, either with or without the steerage passengers which she already has on board, constitute her an emigrant ship;

(2.) The expression "statute adult" shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult;

(3.) The expression "steerage passenger" shall mean all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless—

(*a*) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult; and

(*b*) they are messed throughout the voyage at the same table with the master or first officer of the ship; and

(*c*) the fare contracted to be paid by them is in the proportion for every week of the length of the voyage (as determined under this Part of this Act for sailing vessels) of thirty shillings, if the voyage of the ship is from the British Islands to a port south of the Equator, and twenty shillings, if the voyage of the ship is from the British Islands to a port north of the Equator; and

(*d*) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers;

(4.) The expression "steerage passage" shall include passages of all passengers except cabin passengers;

(5.) The expression "upper passenger deck" shall mean and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers, whether cabin or steerage passengers, carried in the poop, round house, or deck house, exceeds one third of the total number of steerage passengers which the ship can lawfully carry on the deck next below;

(6.) The expression "lower passenger deck" shall mean and include the deck next beneath the upper passenger deck not being an orlop deck.

Scale for determining length of voyages.

269. For the purpose of this Part of this Act the length of the voyage of an emigrant ship from the British Islands to any port elsewhere shall be determined by such of the scales fixed by the Board of Trade as is applicable thereto, and the Board of Trade

may fix the scales by notice published in the London Gazette, and may fix such different lengths of voyage as they think reasonable for different descriptions of ships.

270. For the purposes of this Part of this Act a colonial voyage means a voyage from any port in a British possession, other than British India and Hong Kong, to any port whatever, where the distance between such ports exceeds four hundred miles, or the duration of the voyage, as determined under this Part of this Act, exceeds three days.

Definition of colonial voyage.

2. PASSENGER STEAMERS.

Survey of Passenger Steamers.

271.—(1.) Every passenger steamer which carries more than twelve passengers shall—

Annual survey of passenger steamers.

(*a*) be surveyed once at least in each year in the manner provided in this Part of this Act; and

(*b*) shall not ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has the certificate from the Board of Trade as to survey under this Part of this Act, the same being in force, and applicable to the voyage or excursion on which the steamer is about to proceed.

(2.) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs.

(3.) Provided that, while a steamer is an emigrant ship and the provisions of this Part of this Act as to the survey of the hull machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

272.—(1.) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships, the shipwright surveyor being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

Mode of survey and declaration of survey.

(2.) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Board of Trade.

(3.) The declaration of the shipwright surveyor shall contain statements of the following particulars:—

(*a*.) That the hull of the steamer is sufficient for the service intended and in good condition:

(*b*.) That the boats, life buoys, lights, signals, compasses, and shelter for deck passengers, are such, and in such condition, as are required by this Act:

(*c*.) The time (if less than one year) for which the hull and equipments will be sufficient:

(*d*.) The limits (if any) beyond which, as regards the hull and equipments, the steamer is in the surveyor's judgment not fit to ply:

(*e.*) The number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires:

(*f.*) That the certificates of the master and mate or mates are such as are required by this Act.

(4.) The declaration of the engineer surveyor shall contain statements of the following particulars; namely,—

(*a.*) That the machinery of the steamer is sufficient for the service intended, and in good condition:

(*b.*) The time (if less than one year) for which the machinery will be sufficient:

(*c.*) That the safety valves and fire hose are such and in such condition as are required by this Act:

(*d.*) The limit of the weight to be placed on the safety valves:

(*e.*) The limits (if any) beyond which, as regards the machinery, the steamer is in the surveyor's judgment not fit to ply:

(*f.*) That the certificates of the engineer or engineers of the steamer are such as are required by this Act.

Transmission of declaration.

273.—(1.) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade.

(2.) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding ten shillings for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Issue of passenger steamer's certificate.

274. On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

(*a*) the limits (if any) beyond which the steamer is not fit to ply; and

(*b*) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Appeal to court of survey.

275.—(1.) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the port or district where the steamer for the time being is, in manner directed by the rules of that court.

(2.) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report

and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.

(3.) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event.

(4.) A shipwright or engineer surveyor in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Transmission of certificate.

276.—(1.) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying.

(2.) The Board of Trade shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

(3.) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent.

Fees for certificate.

277. The grantee of a passenger steamer's certificate shall pay such fees, not exceeding those specified in Part One of the Ninth Schedule to this Act, as the Board of Trade fix.

Duration of certificates.

278.—(1.) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after notice is given by the Board of Trade to the owner, agent, or master of the steamer, that the Board have cancelled it.

(2.) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom.

Cancellation of certificate.

279.—(1.) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe—

(*a*) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or,

(*b*) that the certificate has been issued upon false or erroneous information; or,

(*c*) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.

(2.) In every such case the Board of Trade may require the owner to have the hull equipment or machinery of the steamer

again surveyed, and to transmit further declarations of survey, before they re-issue the certificate or grant a fresh one in lieu thereof.

Delivery up of certificate.

280.—(1.) The Board of Trade may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as they direct.

(2.) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.

Posting up of certificate.

281.—(1.) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.

(2.) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3.) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding one hundred pounds, and the master shall also be liable to a further fine not exceeding twenty pounds.

Penalty for forgery of certificate or declaration.

282. If any person—

(*a*) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or

(*b*) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;

that person shall in respect of each offence be guilty of a misdemeanor.

Penalty for carrying passengers in excess.

283. The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and if he does so, he shall for each offence be liable to a fine not exceeding twenty pounds, and also to an additional fine not exceeding five shillings for every passenger above the number so allowed, or if the fare of any passenger on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

Colonial certificates for passenger steamers.

284. Where the legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally

efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

(1) declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act; and

(2) declare that all or any of the provisions of this Part of this Act which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession; and

(3) impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

General Equipment of Passenger Steamers.

Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.

285.—(1.) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

(2.) A sea-going passenger steamer shall be provided with a hose capable of being connected with the engines of the steamer, and adapted for extinguishing fire in any part of the steamer.

(3.) A home trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require.

(4.) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(5.) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required by this section, then, for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Prohibition of increasing weight on safety valve.

286. A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Keeping Order in Passenger Steamers.

Offences in connexion with passenger steamers.

287.—(1.) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force; (that is to say,)

(*a*.) If any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person

in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:

(*b.*) If any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request:

(*c.*) If any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger:

(*d.*) If any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:

(*e.*) If any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request:

(*f.*) If any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof:

(*g.*) If any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof:

(*h.*) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer: and

(*i.*) If any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer:

the person so offending shall for each offence be liable to a fine not exceeding forty shillings, but that liability shall not prejudice the recovery of any fare payable by him

(2.) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant,

detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before some justice of the peace to be dealt with according to law, and that justice shall with all convenient despatch try the case in a summary manner.

(4.) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds, and the fine shall be paid to the owner of the steamer.

Power to exclude drunken passengers on home trade passenger steamers.

288. The master of any home trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

3. Emigrant Ships.

Survey of Emigrant Ships.

Preliminary survey of emigrant ship.

289.—(1.) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage unless she has been surveyed under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.

(2.) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship.

(3.) If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this Part of the Act be deemed seaworthy and fit for that voyage.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.

Equipments.

Equipment with compasses, chronometers, fire engine, anchors, &c.

290.—(1.) Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles; namely,—

(*a.*) With at least three steering compasses, and one azimuth compass; and

(*b.*) If proceeding to any place north of the Equator, with at least one chronometer; and

(*c.*) If proceeding to any place south of the Equator, with at least two chronometers; and

(*d.*) With a fire engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the emigration officer may approve; and

(*e.*) With three bower anchors of such weight and with cables of such length, size, and material, as in the judgment of the emigration officer are sufficient for the size of the ship; and

(*f.*) If a foreign ship, with four properly fitted lifebuoys kept ready at all times for immediate use; and

(*g.*) Adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Number of, and Accommodation for, Passengers.

Regulations as to carrying of passengers generally.

291.—(1.) A ship shall not carry passengers, whether cabin or steerage passengers, on more than two decks, except that cabin passengers not exceeding one for every hundred tons of the ship's registered tonnage, and sick persons placed in hospital as hereinafter provided may be carried in a poop or deck house, although passengers are carried on two other decks.

(2.) If steerage passengers are carried under the poop, or in a round house, or deck house, the poop, round house, or deck house shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance.

(3.) If any requirement of this section is not complied with in the case of any ship, the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

Limit of number of steerage passengers to be carried on emigrant ships.

292.—(1.) The number of steerage passengers carried in an emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act.

(2.) If there is on board any emigrant ship at or after the time of clearance a greater number of steerage passengers than the number so limited (except as increased by births at sea), the master of the

ship shall be liable to a fine not exceeding twenty pounds for each steerage passenger constituting such excess.

293.—(1.) The regulations as to the accommodation for steerage passengers in the Eleventh Schedule to this Act, relating to the construction of passenger decks, to berths, to hospitals, to privies, and to the supply of light and ventilation, shall be observed in the case of all emigrant ships as if they were contained in this section.

Regulations as to accommodation of steerage passengers.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds, except that the master shall alone be liable to the fine where he is in any such regulation expressed to be alone liable.

294.—(1.) No part of the cargo or of the steerage passengers luggage, or of the provisions, water, or stores, whether for the use of the steerage passengers or of the crew, shall be carried on the upper deck or on the passenger decks, unless in the opinion of the emigration officer at the port of clearance the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers, nor unless the same is stowed and secured to the satisfaction of the emigration officer; and the space thereby occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers, shall (unless occupied by the said steerage passengers luggage) be deducted in calculating the space by which the number of steerage passengers is regulated.

Stowage of goods.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

Provisions, Water, and Medical Stores.

295.—(1.) There shall be placed on board every emigrant ship, for the steerage passengers provisions and water of good and wholesome quality and in sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this Part of this Act.

Supply of provisions and water.

(2.) In addition to the allowance of pure water for each steerage passenger, water shall be shipped for cooking purposes sufficient to supply ten gallons for every day of the length of the voyage as determined under this Part of this Act for every one hundred statute adults on board.

(3.) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water, not inferior in quality to the provisions and water provided for the steerage passengers.

(4.) All such water and provisions shall be provided and stowed away by and at the expense of the owner, charterer, or master of the ship.

(5.) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner charterer or master of that ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

(6.) Before an emigrant ship is cleared outwards, the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the steerage passengers, and shall satisfy himself that the same are of good and wholesome quality, and in sweet and good condition, and in the quantities required by this Act.

(7.) If the emigration officer considers that any part of the provisions or water is not of a good and wholesome quality, or is not in sweet and good condition, he may reject and mark the same, or the packages or vessels in which it is contained, and direct the same to be forthwith landed or emptied.

(8.) If the same are not forthwith landed or emptied, or if after being landed the same or any part thereof are reshipped in the ship, the owner charterer or master of the ship or any of them, or, if the same are shipped in any other emigrant ship, then the person causing the same to be so shipped, shall for each offence be liable to a fine not exceeding one hundred pounds.

Mode of carrying water.

296.—(1.) The water to be placed on board emigrant ships as herein-before provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance, and the casks shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and the staves shall not be made of fir, pine, or soft wood, and each cask shall not be capable of containing more than three hundred gallons.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding fifty pounds.

Provision for touching at intermediate ports to take in water.

297. If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water, and if an engagement to that effect is inserted in the master's bond herein-after mentioned, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this Part of this Act for the voyage to the intermediate port, subject to the following conditions; (that is to say,)

(i.) The emigration officer at the port of clearance shall approve in writing the arrangement, and the approval shall be carried among the ship's papers, and shall be exhibited at the intermediate port and delivered on the arrival of the ship at her final port of discharge to the chief officer of customs, or British consular officer, as the case may be:

(ii.) If the length of either portion of the voyage, whether to the intermediate port, or from the intermediate port to the final port of discharge, is not determined under this Part of this Act, the emigration officer at the port of clearance shall

declare the same in writing as part of his said approval of the arrangement:

(iii.) The ship shall have on board at the time of clearance such tanks and water casks of the description by this Part of this Act required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage.

Issue of water or provisions during voyage.

298.—(1.) The master of every emigrant ship shall during the voyage, including the time of detention at any place before the termination thereof, issue to each steerage passenger, or where the steerage passengers are divided into messes, to the head man for the time being of each mess, on behalf and for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the dietary scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.

(2.) The Board of Trade may, by notice published in the London Gazette, add to the dietary scales in the said schedule any dietary scale which in their opinion contains in the whole the same amount of wholesome nutriment as any scale in that schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said schedule as an alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scale so added, whichever is mentioned in the contract ticket of the steerage passengers.

(3.) If any requirement of this section is not complied with in the case of any emigrant ship the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Power of Board of Trade to exempt ships.

299. The Board of Trade if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers, whether cabin or steerage, is superior to the food, space, accommodation, or other particular or thing required by this Part of this Act, may exempt that ship from any requirement of this Part of this Act with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board think fit.

Medical stores.

300.—(1.) The owner or charterer of every emigrant ship shall provide for the use of the steerage passengers a supply of the following things (in this Part of this Act referred to as medical stores), namely, medicines, medical comforts, instruments, disinfectants, and other things proper and necessary for diseases and accidents incident to sea voyages and for the medical treatment of the steerage-passengers during the voyage, with written directions for the use of such medical stores.

(2.) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the

medical practitioner, when there is one on board, to be used at his discretion.

(3.) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

(4.) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores, and certified to the emigration officer that they are sufficient in quantity and quality, or unless the emigration officer, in case he cannot on any particular occasion obtain the attendance of a medical practitioner, gives written permission for the purpose.

(5.) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Dangerous Goods, and Carriage of Cattle.

Regulations as to carriage of dangerous goods, and of horses and cattle.

38 & 39 Vict. c. 17.

301.—(1.) Subject to the provisions of this Part of this Act as to military stores, an emigrant ship shall not clear outwards or proceed to sea, if there is on board—

(*a*) as cargo, any article which is an explosive within the meaning of the Explosives Act, 1875, or any vitriol, lucifer matches, guano, or green hides, or

(*b*) either as cargo or ballast, any article or number of articles which by reason of the nature, quantity, or mode of stowage thereof are, either singly or collectively, in the opinion of the emigration officer at the port of clearance, likely to endanger the health or lives of the steerage passengers or the safety of the ship, or

(*c*) as cargo, horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act, except they are carried on the conditions stated in that schedule, which shall have effect as if contained in this section.

(2.) If any requirement of this section is not complied with in the case of any ship, the owner charterer or master of the ship or any of them, shall for each offence be liable to fine not exceeding three hundred pounds.

Carriage of military stores.

302.—(1.) A Secretary of State may, by order under his hand, authorise the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and those stores may be carried accordingly.

(2.) The order shall be addressed to the emigration officer and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

(3.) The master shall comply with all the conditions and directions in the order, and, if he fails to do so, shall for each offence be liable to a fine not exceeding three hundred pounds.

Medical Officer, Staff, and Crew.

303.—(1.) Subject to any regulations made by Order in Council under this Part of this Act, a duly authorised medical practitioner shall be carried on board an emigrant ship— Medical practitioners.

(*a*) where the number of steerage passengers on board exceeds fifty; and also

(*b*) where the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred.

(2.) A medical practitioner shall not be considered to be duly authorised for the purposes of this Act unless—

(*a*) he is authorised by law to practise as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which that ship belongs: and

(*b*) his name has been notified to the emigration officer at the port of clearance, and has not been objected to by him: and

(*c*) he is provided with proper surgical instruments to the satisfaction of that officer.

(3.) When the majority of the steerage passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner whether authorised or not may, if approved by the emigration officer, be carried therein.

(4.) Where a medical practitioner is carried on board an emigrant ship he shall be rated on the ship's articles.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorised, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding one hundred pounds.

304.—(1.) Every emigrant ship, if carrying as many as one hundred steerage passengers, shall carry a steerage steward, who shall be a seafaring man, and rated in the ship's articles as steerage steward, and approved by the emigration officer at the port of clearance: he shall be employed in messing and serving out the provisions to the steerage passengers, and in assisting to maintain cleanliness, order, and good discipline among them, and shall not assist in any way in navigating or working the ship. Steerage passengers stewards, cooks, and interpreters.

(2.) Every emigrant ship carrying as many as one hundred steerage passengers shall also carry a steerage cook, and if carrying more than three hundred statute adults two steerage cooks, who shall be seafaring men, and be rated and approved as in the case of steerage stewards, and shall be employed in cooking the food of the steerage passengers.

(3.) In every such ship a convenient place for cooking shall be set apart on deck, and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of

the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

(4.) Every foreign emigrant ship in which as many as one half of the steerage passengers are British subjects, shall, unless the master and officers or not less than three of them understand and speak intelligibly the English language, carry, if the number of steerage passengers does not exceed two hundred and fifty, one person, and if it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language: those persons shall act as interpreters, and be employed exclusively in attendance on the steerage passengers, and not in working the ship; and any such ship shall not clear outwards or proceed to sea without having such interpreter on board.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Crew of emigrant ship.

305.—(1.) Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate for clearance for such ship is demanded: after the crew have been passed by the emigration officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of that emigration officer or of the superintendent at the port of clearance.

(2.) Where the consent of a superintendent has been obtained, it shall, within twenty-four hours thereafter, be lodged with the said emigration officer.

(3.) If the emigration officer considers the crew inefficient, the owner or charterer of the ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Medical Inspection.

Medical inspection of steerage passengers and crew.

306.—(1.) An emigrant ship shall not clear outwards or proceed to sea until—

(*a*) either a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the steerage passengers and crew about to proceed in the ship, and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be by reason of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in the ship; or

(*b*) the emigration officer, if he cannot on any particular occasion obtain the attendance of a medical practitioner, grants written permission for the purpose.

(2.) The inspection shall take place either on board the ship, or, in the discretion of the emigration officer, at such convenient place on shore before embarkation, as he appoints, and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of the inspection such fee not exceeding twenty shillings for every hundred persons or fraction of a hundred persons inspected, as the Board of Trade determine.

(3.) If this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Relanding of persons for medical reasons.

307.—(1.) If the emigration officer is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason in a condition likely to endanger the health or safety of the other persons on board, the emigration officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be relanded; and if the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be relanded, he may require the master of the ship to reland all those persons, and the master shall thereupon reland those persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master owner or charterer of the ship, or any of them, shall for each offence be liable to a fine not exceeding two hundred pounds.

(3.) If any person embarks when so prohibited to embark, or fails without reasonable cause to leave the ship when so required to be relanded, that person may be summarily removed, and shall be liable to a fine not exceeding forty shillings for each day during which he remains on board after the prohibition or requirement.

(4.) Upon such relanding the master of the ship shall pay to each steerage passenger so relanded, or, if he is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade, then to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult until he has been re embarked or declines or neglects to proceed, or until his passage money, if recoverable under this Part of this Act, has been returned to him.

Return of passage money to persons relanded for medical reasons.

308. When a person has been relanded from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in that ship, he, or any emigration officer on his behalf, shall be entitled, on delivery up of his contract ticket, and notwithstanding that the ship has not sailed, to recover summarily, in the case of a steerage passenger the whole, and in the case of a cabin passenger one half, of the money paid by or on account of the passenger and of the

members of his family relanded, from the person to whom the same was paid, or from the owner, charterer, or master of the ship, or any of them, at the option of the person recovering the same.

Master's Bond.

Bond to be given by master of emigrant ship.

309.—(1.) Before an emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent or being the master, one other good and sufficient person approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond (in this Act referred to as the master's bond) in the sum of two thousand pounds, to the Crown.

(2.) The bond shall be executed in duplicate, and shall not be liable to stamp duty.

(3.) Where neither the owner nor the charterer of an emigrant ship resides in the British Islands, the bond shall be for the sum of five thousand instead of two thousand pounds, and shall contain an additional condition for the payment to the Crown, as a Crown debt, of all expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination, any steerage passengers carried in the ship who by reason of shipwreck or any other cause, except their own neglect or default, are not conveyed by or on behalf of the owner, charterer, or master of the ship to their intended destination.

Evidence of bond.

310.—(1.) Where an emigrant ship is bound to a British possession the chief officer of customs at the port of clearance shall certify on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound, and shall forward the same to the governor of the said possession or to such person as the governor may appoint for that purpose.

(2.) The certificate shall, in any court of a British possession in which the bond may be put in suit, be conclusive evidence of the due execution of the bond by the master and the other person bound, and it shall not be necessary to prove the handwriting of the officer of customs who signed the certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance.

(3.) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession, nor in the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands.

Passengers Lists.

Passengers lists.

311.—(1.) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall, before demanding a clearance for his ship, sign in duplicate a passengers list, that is to say a list correctly setting forth the name and other particulars of the

ship and of every passenger, whether cabin or steerage, on board thereof.

(2.) The passengers lists shall be countersigned by the emigration officer if there is one at the port, and then delivered by the master to the officer of customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this Part of this Act referred to as the "master's list"), and shall retain the other duplicate.

(3.) If any requirement of this section to be observed by the master is not complied with in the case of any ship or any passengers list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Lists of passengers embarked after clearance.

312.—(1.) If at any time after the passengers list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage) is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger.

(2.) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

(3.) If there is no officer of customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next port having such an officer at which the vessel arrives, to be dealt with as herein-before mentioned.

(4.) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from the emigration officer of the port that all the requirements of this Part of this Act have been complied with.

(5.) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Attempt to gain passage without payment.

313.—(1.) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, he and any person aiding and abetting him, shall be liable to a fine not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding three months, with or without hard labour.

(2.) Any person so found on board may, without warrant, be taken before a justice of the peace to be dealt with according to law, and that justice may try the case in a summary manner.

Certificate for Clearance.

Certificate for clearance.

314.—(1.) A ship fitted or intended for the carriage of steerage passengers as an emigrant ship shall not clear outwards or proceed to sea until the master has obtained from the emigration officer at

the port of clearance a certificate for clearance, that is to say a certificate that all the requirements of this Part of this Act, so far as the same can be complied with before the departure of the ship, have been duly complied with, and that the ship is in his opinion seaworthy, in safe trim, and in all respects fit for her intended voyage, and that the steerage passengers and crew are in a fit state to proceed, and that the master's bond has been duly executed.

(2.) If the emigration officer refuses to grant such certificate, the owner or charterer of the ship may appeal in writing to the Board of Trade, and that Board shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter at the expense of the appellant, and if the officers or persons so appointed grant the master of the ship under their joint hands a certificate to the same purport as the certificate for clearance, it shall be of the same effect as a certificate for clearance.

Facilities to be given for the inspection of ships.

315.—(1.) The master of every ship, whether an emigrant ship or not, which is fitting or intended for the carriage of steerage passengers, or which carries steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall afford to the emigration officer at any port in Her Majesty's dominions, and, in the case of British ships, to the British consular officer at any port elsewhere at which the ship is or arrives, every facility for inspecting the ship, and for communicating with the steerage passengers and for ascertaining that this Part of this Act, so far as applicable to the ship, has been duly complied with.

(2.) If the master of any ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Ships putting back to replenish provisions, &c.

316.—(1.) If any emigrant ship, after clearance, is detained in port for more than seven days, or puts into or touches at any port in the British Islands, she shall not proceed to sea again until—

(*a*) there has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as is necessary to make up the full quantities of those articles required under this Part of this Act to be laden on board for the intended voyage; and

(*b*) any damage which the ship has sustained has been effectually repaired; and

(*c*) the master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding one hundred pounds.

Emigrant ships putting back to be reported to emigration officer.

317.—(1.) If any emigrant ship, after clearance, puts into or touches at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back and the condition of his ship and of her

provisions, water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers.

(2.) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Appeal to court of survey.

318.—(1.) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.

(2.) The judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this Part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.

(3.) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(4.) Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case if the said two persons agree there shall be no appeal to the court of survey in pursuance of this section.

Forfeiture of ship proceeding to sea without certificate for clearance.

319.—(1.) If any emigrant ship—

(*a*) proceeds to sea without the master having obtained the certificate for clearance; or

(*b*) having proceeded to sea, puts into any port in the British Islands in a damaged state, and leaves or attempts to leave that port with steerage passengers on board without the master having obtained the proper certificate for clearance;

that ship shall be forfeited to the Crown, and may be seized by any officer of customs if found within two years from the commission of the offence in any port in Her Majesty's dominions, and shall thereupon be dealt with as if she had been seized as forfeited under the laws relating to the customs.

(2.) The Board of Trade may release, if they think fit, any such forfeited ship, on payment, to the use of the Crown, of such sum not exceeding two thousand pounds as the Board specify.

Passengers Contracts.

Contract tickets for passengers.

320.—(1.) If any person, except the Board of Trade and persons acting for them and under their direct authority, receives money from any person for or in respect of a passage as a steerage passenger in any ship, or of a passage as a cabin passenger in any emigrant ship, proceeding from the British Islands to any port out of Europe and not within the Mediterranean Sea, he shall give to the person paying the same a contract ticket signed by or on behalf of the owner, charterer, or master of the ship, and printed in plain and legible characters.

(2.) The contract ticket shall be in a form approved by the Board of Trade and published in the London Gazette, and any directions

contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section.

(3.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4.) Contract tickets under this section shall not be liable to stamp duty.

Summary remedy for breach of contract.

321.—(1.) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may, at the option of any passenger interested, whether a steerage or a cabin passenger, be tried before a court of summary jurisdiction, and the court may award to the complainant such damages and costs as they think just, not exceeding the amount of the passage money specified in the contract ticket and twenty pounds in addition.

(2.) But if a passenger has obtained compensation or redress under any other provision of this Act, he shall not be entitled to recover damages under this section in respect of the same matter.

Penalty for failure to produce contract ticket.

322. If a passenger whether a steerage or a cabin passenger fails, without reasonable cause, on demand of any emigration officer, to produce his contract ticket, and if any owner, charterer, or master of a ship, on like demand, fails without reasonable cause to produce for the inspection of such emigration officer and for the purposes of this Act the counterpart of any contract ticket issued by him or on his behalf, the passenger, owner, charterer, or master, as the case may be, shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for altering, or inducing any one to part with, contract ticket.

323. If any person, after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence, alters that ticket, or induces any person to part with it, or renders useless, or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding twenty pounds.

Regulations as to Steerage Passengers.

Sanitary and other regulations by Order in Council.

324. Her Majesty may by Order in Council make regulations—

(i) for preserving order, promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession; and

(ii) for prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof; and

(iii) for reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands; and

(iv) for permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this Part of this Act; and

(v) for requiring duly authorised medical practitioners to be carried in emigrant ships where they would not otherwise under this Part of this Act be required to be carried.

Discipline on board.

325.—(1.) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid.

(2.) If any person on board—

(*a*) fails without reasonable cause to obey, or offends against, any such regulation or any provision of this Part of this Act, or

(*b*) obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or

(*c*) is guilty of riotous or insubordinate conduct,

that person shall for each offence be liable to a fine not exceeding two pounds, and in addition to imprisonment for any period not exceeding one month.

Sale of spirits prohibited on emigrant ships.

326.—(1.) Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Maintenance after Arrival.

Maintenance of steerage passengers after arrival.

327.—(1.) Every steerage passenger in an emigrant ship shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship leaves the port in the further prosecution of her voyage.

(2.) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding five pounds.

Detention and Wrongful Landing of Passengers.

Return of passage money and compensation to passengers when passage not provided according to contract.

328. Where a contract has been made by or on behalf of any steerage passenger for a passage in a ship proceeding on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or proceeding on any colonial voyage as defined by this Part of this Act, and—

(i) the steerage passenger is at the place of embarkation before the hour of six o'clock in the afternoon of the day of embarkation appointed in the contract; and

(ii) the stipulated passage money has, if required, been paid,

then if the steerage passenger from any cause whatever (other than his own refusal, neglect, or default, or the prohibition under this Act of an emigration officer, or the requirement of an Order in Council),

(*a*) is not received on board the ship before the said hour; or,

(*b*) having been received on board, does not either obtain a passage in the ship to the port at which he has contracted to

land or, together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate herein-after provided;

the steerage passenger or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding ten pounds in respect of each such steerage passenger as is in the opinion of the court a reasonable compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage, and such money and sum may be recovered, either from any person to whom or on whose account any money has been paid under the contract, or if the contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of the steerage passenger or emigration officer, from the owner, charterer, or master, or any of them.

Subsistence in case of detention.

329.—(1.) If any ship, whether an emigrant ship or otherwise, does not actually put to sea and proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner, charterer, or master of the ship, or his agent, or any of them shall, until the ship finally proceeds on her voyage, pay to every steerage passenger entitled to a passage in the ship, or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate: (that is to say,)

(*a.*) For each of the first ten days of detention, one shilling and sixpence; and

(*b.*) For every subsequent day, three shillings

for each statute adult.

(2.) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

(*a.*) Subsistence money shall not be payable for the first two days next after the said day of embarkation, and

(*b.*) If the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention.

Penalty for landing steerage passengers at wrong place.

330. If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Provisions in case of Wreck.

331.—(1.) When any emigrant ship—

Provisions in case of an emigrant ship being wrecked or damaged in or near British Islands.

(*a*) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any steerage passengers have been brought back to any port in the British Islands; or

(*b*) has put into any port in the British Islands in a damaged state;

the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect; (that is to say,)

(i.) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof will embark and convey the steerage passengers in some other eligible ship, to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken:

(ii.) If the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.

(2.) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers, or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult.

(3.) If the substituted ship, or the damaged ship, as the case may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of this section, any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.

(4.) The emigration officer may, if he thinks it necessary, direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof, and if after that direction any steerage passenger refuses to leave the ship, he shall for each offence be liable to a fine not exceeding forty shillings, or to imprisonment not exceeding one month.

332. If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk or otherwise destroyed, or if any

Expenses of rescue and conveyance of wrecked passengers.

such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

(*a*) if the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State; and

(*b*) if the port is in a British possession for the governor of that possession, or any person authorised by him for the purpose; and

(*c*) if the port is elsewhere, for the British consular officer there;

to defray all or any part of the expenses thereby incurred.

Forwarding of passengers by governors or consuls.

333.—(1.) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—

(*a*) if the place is in a British possession, for the governor of that possession, or any person authorised by the governor for the purpose; and

(*b*) if the place is elsewhere, for the British consular officer there;

to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the governor or consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

(2.) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this Part of this Act to the return of his passage money, or to any compensation for loss of passage.

Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.

334.—(1.) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown from the owner, charterer, and master of the ship on board of which the passenger had embarked.

(2.) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act, and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the defendant specially pleads and duly proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.

(3.) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

335. A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this Part of this Act made liable, in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

Validity of insurance of passage money.

Voyages to the United Kingdom.

336.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by the master, and specifying the name, age, and calling of every steerage passenger embarked, and the port at which he embarked, and showing also any birth which has occurred amongst the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death.

List of steerage passengers brought to the British Islands.

(2.) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding fifty pounds.

337. If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the case of emigrant ships proceeding from the British Islands, the master of that ship shall, for each statute adult constituting such excess, be liable to a fine not exceeding ten pounds.

Number of steerage passengers on ships bringing passengers to British Islands.

338.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage, including the time of detention, if any, at any port before the termination thereof, pure water and good and wholesome provisions in a sweet condition, in quantities not less than the amount required by this Part of this Act in the case of emigrant ships proceeding from the British Islands.

Provisions and water in ships carrying steerage passengers to British Islands.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Registration of Births and Deaths.

339. Where a ship which is not a British ship carries passengers, whether cabin or steerage, to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of Part Two of this Act with respect to

Application to foreign ships carrying passengers of provisions

respecting registration of births and deaths.

the registration of births and deaths occurring on board, shall apply as if it were a British ship.

Saving of Right of Action.

Saving for right of action on contract for passage.

340. Nothing in this Part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship, or to any other person, in respect of the breach or non-performance of any contract made between, or on behalf of, such steerage passenger or other person and the master, charterer, or owner of any such ship, or his agent, or any passage broker.

Passage Brokers.

Passage broker.

341.—(1.) Any person who sells or lets or agrees to sell or let, or is anywise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall for the purposes of this Part of this Act be a passage broker.

(2.) The acts and defaults of any person acting under the authority, or as an agent, of a passage broker, shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker.

Passage brokers to enter into bond and obtain licence.

342.—(1.) A person shall not act directly or indirectly as a passage broker, unless he—

(*a*) has entered, with two good and sufficient sureties approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds; and

(*b*) holds a licence for the time being in force to act as passage broker.

(2.) The bond shall be renewed on each occasion of obtaining a licence, and shall not be liable to stamp duty; it shall be executed in duplicate, and one part shall be deposited at the office of the Board of Trade, and the other part with the said emigration officer.

(3.) The emigration officer may, in lieu of two securities, accept the bond of any guarantee society approved by the Treasury.

(4.) There shall be exempted from this section—

(*a*) the Board of Trade, and any person contracting with them or acting under their authority; and

(*b*) any passage broker's agent duly appointed under this Act.

(5.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Granting of licences to passage brokers.

343.—(1.) Application for a licence to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business.

(2.) The licensing authority, upon the applicant proving to their satisfaction that he

(*a*) has entered into and deposited one part of such bond as is required by this Act; and

(*b*) has given to the Board of Trade at least fourteen days clear notice of his intention to apply for a licence,

may grant the licence, and shall forthwith send to the Board of Trade notice of such grant.

(3.) The licensing authority shall be—

(*a*) in the administrative county of London the justices of the peace at petty sessions;

(*b*) elsewhere in England, the council of a county borough or county district;

(*c*) in Scotland, the sheriff; and

(*d*) in Ireland, the justices in petty sessions.

Forfeiture of licence.

344.—(1.) A passage broker's licence shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted, and for thirty-one days afterwards.

(2.) Any court, when convicting a passage broker of an offence under this Part of this Act or of any breach or non-performance of the requirements thereof, may order that his licence be forfeited, and the same shall be forfeited accordingly.

(3.) The court shall forthwith send to the Board of Trade a notice of any such order.

Passage brokers agents.

345.—(1.) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment, signed by the passage broker, and countersigned by the emigration officer at the port nearest to the place of business of the passage broker.

(2.) Every such agent shall, upon request, produce his appointment to any emigration officer, or to any person treating for a steerage passage under this Part of this Act.

(3.) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding fifty pounds.

List of agents and runners to be exhibited by brokers, and sent to emigration officers.

346.—(1.) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters, containing the names and addresses in full of every person for the time being authorised to act as his agent or as an emigrant runner for him, and shall on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of that list, signed by him, to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place.

(2.) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Emigrant Runners.

Emigrant runner.

347. If any person other than a licensed passage broker or his bonâ fide salaried clerk, in or within five miles of the outer boundaries of any port, for hire or reward or the expectation

thereof directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner charterer or master of a ship, or any keeper of a lodging-house tavern or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration, that person shall for the purposes of this Part of this Act be an emigrant runner.

Emigrant runner's licence.

348.—(1.) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner, and to carry on his business, may, upon his application and on the recommendation in writing of an emigration officer, or of the chief constable or other head officer of police in such place (but not otherwise), grant, if they think fit, to the applicant a licence to act as emigrant runner.

(2.) The emigrant runner shall, within forty-eight hours after his licence is granted, lodge the same with the nearest emigration officer, and that officer shall—

(*a*) register the name and abode of the emigrant runner in a book to be kept for the purpose, and number each name in arithmetical order; and

(*b*) upon receipt of a fee, not exceeding seven shillings, supply to the emigrant runner a badge of such form and description as the Board of Trade approve,

but in case of a renewed licence, the officer need only note the renewal and its date in his registry book against the original entry of the emigrant runner's name.

(3.) An emigrant runner's licence shall remain in force until the thirty-first day of December in the year in which it is granted, unless sooner revoked by any justice for any offence against this Act or for any other misconduct committed by the holder of such licence, or unless forfeited under the provisions herein-after contained.

(4.) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book.

Renewal of badge.

349. Where an emigrant runner, either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a mutilated or defaced state, and in either case pays such officer five shillings, the officer may, if he thinks fit, supply him with a new badge.

Penalties on persons acting without licence or badge, using badge, not lawfully issued, or employing unlicensed person.

350.—(1.) A person shall not—

(*a*) act as an emigrant runner without being duly licensed and registered; or

(*b*) retain or use any emigrant runner's badge not issued to him in manner by this Act required; or

(*c*) counterfeit or forge any emigrant runner's badge; or

(*d*) employ as an emigrant runner any person not duly licensed and registered.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

351.—(1.) An emigrant runner—

Penalties on emigrant runners for certain acts of misconduct.

(*a*) shall while acting as an emigrant runner wear his badge conspicuously on his breast; and

(*b*) shall lodge his licence with the emigration officer as required by this Act; and

(*c*) on changing his abode, shall within forty-eight hours give notice of the change to the emigration officer of the port in which he is licensed to act; and

(*d*) on losing his badge shall within forty-eight hours give notice to such emigration officer of the loss; and

(*e*) shall produce on demand his badge for inspection, or permit any person to take the number thereof; and

(*f*) shall not mutilate or deface his badge; and

(*g*) shall not wear his badge while unlicensed; and

(*h*) shall not wear any other badge than that delivered to him by the emigration officer; and

(*i*) shall not permit any other person to use his badge.

(2.) If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding forty shillings, and, if the court think fit, to the forfeiture of his licence.

352.—(1.) An emigrant runner shall not be entitled to recover from a passage broker any fee commission or reward for or in consideration of any service connected with emigration, unless he is acting under the written authority of that passage broker.

Emigrant runners commission and fees.

(2.) An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for procuring his steerage passage, or in any way relating thereto, and if he does so he shall for each offence be liable to a fine not exceeding five pounds.

Frauds in procuring Emigration.

353. If any person by any false representation, fraud, or false pretence induces any person to engage a steerage passage in any ship, he shall for each offence be liable to a fine not exceeding twenty pounds.

Frauds in procuring passages.

354. If any person—

Penalties for fraud in connexion with assisting emigration.

(*a*) falsely represents himself to be, or falsely assumes to act as, agent of the Board of Trade in assisting persons who desire to emigrate; or

(*b*) sells any form of application, embarkation order, or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate; or

(*c*) makes any false representation in any such application for assistance to the Board of Trade or a Secretary of State, or in any certificate of marriage, birth, or baptism, or other document or statement adduced in support of any such application; or

(*d*) forges or fraudulently alters any signature or statement in any such application, certificate, document, or statement, or personates any person named therein; or

(*e*) aids or abets any person in committing any of the foregoing offences;

that person shall, for each offence, be liable to a fine not exceeding fifty pounds.

Emigration Officers.

Emigration officers and assistants.

355.—(1.) In the British Islands the Board of Trade, and in a British possession the governor of that possession, may appoint and remove such emigration officers and assistant emigration officers as seem necessary for carrying this Part of this Act into execution, under the direction of the Board or governor, as the case may be.

(2.) All powers, functions, and duties to be exercised or performed, and anything to be done in pursuance of this Part of this Act by, to, or before an emigration officer, may be exercised, performed, and done by, to, or before his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by, to. or before the chief officer of customs for the time being at such port, and in any such case it shall be the duty of the chief officer of customs to do anything which it is the duty of the emigration officer or his assistant to do.

(3.) A person lawfully acting as an emigration officer under this Act shall in no case be personally liable for the payment of any money or costs or otherwise in respect of any contract made, or of any legal proceedings for anything done, by him in his official capacity as an emigration officer and on the public service.

Legal Proceedings.

Recovery of fines.

356. All fines and forfeitures under the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall be sued for by the following officers; (that is to say,)

(*a.*) Any emigration officer;

(*b.*) Any chief officer of customs; and also

(*c.*) In the British Islands, any person authorised by the Board of Trade and any officer of customs authorised by the Commissioners of Customs; and

(*d.*) In a British possession any person authorised by the governor of that possession, or any officer of customs authorised by the Government department regulating the customs in that possession.

Recovery of passage and subsistence money, compensation, and damages.

357. All sums of money made recoverable by this Part of this Act in respect of passage money, subsistence money, damages, compensation, or costs may be sued for and recovered before a court of summary jurisdiction by any person entitled thereto, or by any of the officers in the last preceding section mentioned on behalf of any one or more of such persons, and in any case either by one or several proceedings.

Protection of persons executing Act. 56 & 57 Vict. c. 61.

358. The Public Authorities Protection Act, 1893, shall for the purposes of the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) apply to the whole

of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction.

Supplemental.

359.—(1.) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof. Owner responsible for default in absence of agreement.

(2.) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

360.—(1.) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable. Forms and fees.

(2.) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II. of the Ninth Schedule to this Act not exceeding those specified therein.

(3.) If any person employed under this Part of this Act demands or receives, directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any duty performed by him under this Part of this Act, he shall for each offence be liable to a fine not exceeding fifty pounds.

361.—(1.) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this Part of this Act, shall, on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession. Posting of abstracts of Part III. in emigrant ships.

(2.) The master shall, on request, produce a copy of this Part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.

(3.) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the abstracts fail to be so posted.

(4.) If any person displaces or defaces any copy of the abstracts posted under this section he shall for each offence be liable to a fine not exceeding forty shillings.

362.—(1.) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships Byelaws by harbour authority.

are despatched, may, with the approval of a Secretary of State, make byelaws—

(*a*) for specifying the docks, basins, or other places at which persons arriving by sea at the port for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked;

(*b*) for regulating the mode of their landing and embarkation;

(*c*) for the storing and safe custody of their luggage;

(*d*) for licensing porters to carry their luggage or otherwise attend upon them; and

(*e*) for admitting persons to and excluding persons from access to the docks and basins.

(2.) The authority may attach a fine not exceeding five pounds to a breach of any such byelaw, and instead of an emigration officer the authority shall sue for and recover the fine.

(3.) The authority making a byelaw under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the byelaw, and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner.

(4.) A byelaw made under this section shall be published in the London Gazette.

Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

363. Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate, which shall have the same effect as if given upon survey under this Part of this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Application of Part III. as regards Emigrant Ships.

Application to certain voyages.

364. The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea.

Limited application of Part III. of Act to colonial voyages.

365.—(1.) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—

(*a*) master's bond;

(*b*) steerage passengers contract tickets;

(*c*) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation.

(*d*) passage brokers;

(*e*) emigrant runners; and

(*f*) posting of abstracts, and production of a copy, of this Part of this Act,

shall not apply.

(2.) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to

(*a*) the regulations scheduled to this Act as to the accommodation for steerage passengers;

(*b*) medical practitioner, stewards, cooks, cooking apparatus, and manning with an efficient crew; and

(*c*) maintenance of steerage passengers after arrival,

shall also not apply.

(3.) Where the duration of a colonial voyage (as determined under this Part of this Act), is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

Modification of provisions of Part III. in their application to British possessions.

366.—(1.) The governor of a British possession may by proclamation—

(*a*) determine what shall be deemed, for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port; and

(*b*) fix dietary scales for steerage passengers during the voyage: and

(*c*) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.

(2.) Every such proclamation shall take effect from the issue thereof, and shall have effect without as well as within the possession, as if enacted in this Part of this Act.

(3.) The governor of a British possession may authorise such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.

(4.) The governor of a British possession may authorise any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage.

Power of governors of colonies as to numbers of steerage passengers.

367.—(1.) The governor of each of the Australasian colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any colony hereafter established in Australia, may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining

on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.

(2.) The governor of any British possession may, if he thinks fit, declare by proclamation that ships intended to pass within the Tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.

(3.) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as well as within the possession, as if it were enacted in this Part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.

(4.) The provisions of the Tenth Schedule to this Act with respect to the number of superficial feet to be allowed to each steerage passenger shall not apply to any ship proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

Power for legislature of India to apply Part III.

368.—(1.) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided.

(2.) The Governor-General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever; and may for the purposes of this Part of this Act—

(*a*) fix dietary scales for the voyage, and authorise the substitution of those scales for the scale enacted by this Act;

(*b*) determine what shall be deemed to be the length of any such voyage;

(*c*) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands;

(*d*) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India; and

(*e*) authorise the employment on board any ship of a medical practitioner duly qualified according to Indian law; and

(*f*) provide for the recovery and application in British India of fines and sums of money under this Part of the Act,

and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.

(3.) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in British India.

PART IV.

Fishing Boats.

Application of Part IV., &c.

369.—(1.) This Part of this Act relates partly— Application of Part IV.

(*a*) to all fishing boats and to the whole fishing service; and partly

(*b*) to all fishing boats of twenty-five tons tonnage and upwards; and partly

(*c*) to fishing boats being trawlers of twenty-five tons tonnage and upwards, and where so expressly provided, to fishing boats being trawlers of whatever tonnage.

(2.) The Board of Trade may, by order published in the London Gazette,—

(*a*) exempt from the date in the order mentioned, any class of such trawler or trawlers belonging to any port from the whole or any portion of this Part of this Act, and

(*b*) extend all or any of the provisions of this Part of this Act to any fishing boats referred to in the order,

and may revoke or alter any such order by an order published in like manner, but such order shall not extend to any of the provisions relating to the fishing boat register, or to the boats and life-buoys to be carried on fishing boats.

(3.) The Board of Trade may, before making any order under this section, institute such inquiry, as in their opinion may be required for enabling them to make the order, by such person as the Board may appoint, and the person so appointed shall for the purpose of the inquiry have all the powers of a Board of Trade inspector under this Act.

(4.) The provisions of this Act with respect to fishing boats being trawlers shall, save as otherwise expressly provided, apply to vessels employed as tenders or carriers to fishing boats or for the purpose of collecting and conveying to the land the catch of fishing boats.

370. In this Part of this Act, unless the context otherwise requires— Definitions.

The expression "fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit. "Fishing boat."

The expression "second hand" means, with respect to a fishing boat, the mate or person next to the skipper in authority or command on board the boat. "Second hand."

The expression "voyage" shall mean a fishing trip commencing with a departure from a port for the purpose of fishing, and ending with the first return to a port thereafter upon the conclusion of the trip, but a return due to distress only shall not be deemed to be a return, if it is followed by a resumption of the trip. "Voyage."

Ascertainment of tonnage of fishing boat.

371.—(1.) The tonnage of a fishing boat for the purpose of this Part of this Act shall be taken to be in the case of a steam trawler her gross tonnage, but in any other case her register tonnage.

(2.) Where a fishing boat is registered under Part I. of this Act, her gross or register tonnage as ascertained for the purpose of that registry shall be her gross or register tonnage for the purpose of this Part of this Act.

(3.) Where a fishing boat is not so registered a certificate signed by a surveyor of ships under this Act stating her gross or register tonnage, ascertained as in the case of a ship registered under Part I. of this Act, shall be conclusive of that tonnage.

Extent of Part IV.

372. This Part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British possession.

(I.) PROVISIONS APPLYING TO ALL FISHING BOATS AND TO THE WHOLE FISHING SERVICE.

The following sections shall apply to all fishing boats and the whole fishing service :—

Fishing Boats Register.

Registry of British fishing boat

373.—(1.) This section shall apply to the British Islands, and to all British fishing boats, including those used otherwise than for profit, and the expression "fishing boat" in this section shall be construed accordingly.

(2.) Subject to any exemptions made by the regulations under this section, every fishing boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing boat register.

(3.) If a fishing boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if the boat were actually so entered.

(4.) If a fishing boat required to be entered in the fishing boat register is not so entered, and is used as a fishing boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding twenty pounds, and the boat may be detained.

(5.) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing boats in the fishing boat register, and any convention with a foreign country relative to the registry, lettering, and numbering of fishing boats, which is for the time being in force by virtue of any statute, and may by such regulations

(*a*) adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into conformity with the requirements of this Act and of any such convention, and the regulations; and

(*b*) define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them; and

(*c*) apply to the entry of fishing boats in the fishing boat register, and to all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable; and

(*d*) impose fines not exceeding twenty pounds for the breach of any such regulations which cannot be punished by the application of any of those enactments.

(6.) Section twenty-six of the Sea Fisheries Act, 1868, and sections eleven to fourteen of the Sea Fisheries Act, 1883, shall apply in like manner as if those sections referred to this section and an Order in Council made thereunder, in substitution for sections twenty-two to twenty-four of the Sea Fisheries Act, 1868, and any Order in Council made under those sections. 31 & 32 Vict. c. 45. 46 & 47 Vict. c. 22.

(7.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any fishing boat entered in the fishing boat register in pursuance of this Act. 39 & 40 Vict. c. 36.

374. In all legal proceedings against the owner or skipper of, or any person belonging to, any boat entered in the fishing boat register, either for an offence against the fishery regulations or regulations as to lights in the Sea Fisheries Act, 1868, or for an offence against the Sea Fisheries Act, 1883, or for the recovery of damages for injury done by such boat, the register shall be conclusive evidence that the persons entered therein at any date as owners of the boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that— Effect of registry of fishing boat. 31 & 32 Vict. c. 45. 46 & 47 Vict. c. 22.

(*a*) this enactment shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the boat; and

(*b*) this enactment shall not affect the rights of the owners among themselves, or the rights of any owner entered in the register against any person not so entered who is beneficially interested in the boat; and

(*c*) save as aforesaid, entry in the fishing boat register shall not confer, take away, or affect any title to or interest in any fishing boat.

375.—(1.) A fishing boat entered in the fishing boat register, whether used for profit or not, shall not proceed to sea from any port in the United Kingdom— Rules as to boats and life-buoys of fishing boats.

(*a*) if she is decked, unless she is provided according to her tonnage with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than is in that behalf specified in the Fifteenth Schedule to this Act for the class to which the fishing boat belongs: and

(*b*) if she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys and provided either with a lifeboat furnished with all requisites

for use, or has one of her boats rendered buoyant after the manner of a lifeboat;

and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

(2.) In any of the following cases—

(*a*) if any such fishing boat proceeds to sea without being provided with such boats or life-buoys; or

(*b*) if any such boat or life-buoy is lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or skipper; or

(*c*) if in case of any such boat or life-buoy being accidently lost or injured in the course of the voyage the skipper fails without reasonable cause to replace or repair the same on the first opportunity; or

(*d*) if any such boat or life-buoy is not kept so as to be at all times fit and ready for use;

then, if the owner appears to be in fault, he shall for each offence be liable to a fine not exceeding one hundred pounds, and if the skipper appears to be in fault, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) A fishing boat required under this section to be provided with boats and life-buoys may be detained until she is duly so provided.

Discipline.

Offences by seamen and apprentices.

376.—(1.) If a seaman lawfully engaged to serve in any fishing boat, or an apprentice in the sea-fishing service, commits any of the following offences, that seaman or apprentice shall be liable to be punished summarily as follows:—

(*a*.) For the offence of desertion,—he shall be liable to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which he has then earned, and to satisfy any excess of wages paid by the skipper or owner of the fishing boat from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

(*b*.) For the offence of absence without leave, that is to say for neglecting or refusing without reasonable cause to join or to proceed to sea in his fishing boat, or for being absent without leave at any time within twenty-four hours of his boat's sailing from any port, either at the commencement or during the progress of the engagement, or for being absent at any time without leave and without sufficient reason from his boat,—if the offence does not amount to desertion, or is not treated as such by the skipper, he shall be liable to forfeit a sum not exceeding two days wages, and in addition for every twenty-four hours of absence, either a sum not exceeding four days wages or any expenses properly incurred in respect of a substitute:

(*c*.) For the offence of wrongfully quitting the boat, that is to say for quitting the boat without leave after her arrival in

port, and before she is placed in security,—he shall be liable to forfeit a sum not exceeding two weeks wages:

(*d.*) For the offence of wilful disobedience, that is to say for wilfully disobeying any lawful command during the engagement,—he shall be liable to imprisonment for any period not exceeding four weeks, and also to forfeit a sum not exceeding two days wages:

(*e.*) For the offence of continued breach of duty, that is to say for continued wilful disobedience to lawful commands during the engagement, or continued wilful omission to do his duty during the engagement,—he shall be liable to imprisonment for any period not exceeding twelve weeks, and also to forfeit for every twenty-four hours continuance of the offence either a sum not exceeding six days wages or any expenses properly incurred in respect of a substitute:

(*f.*) For the offence of assault, that is to say for assaulting any skipper or second hand,—he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*g.*) For the offence of unlawful combination, that is to say for combining with any one or more of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the boat, or the progress of the trip,—he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*h.*) For the offence of wilful damage, that is to say for wilfully damaging the boat or embezzling or wilfully damaging any of her stores or cargo,—he shall be liable to forfeit a sum equal in amount to the loss thereby sustained, and also to imprisonment for a period not exceeding twelve weeks:

(*i.*) For the offence of smuggling, that is to say for any act of smuggling of which he is convicted and which caused loss or damage to the skipper or owner,—he shall be liable to forfeit a sum sufficient to reimburse that loss or damage.

(2.) A skipper shall be liable to punishment for the said offences of desertion, absence without leave, wrongfully quitting the boat, wilful damage, and smuggling, as if he were a seaman.

(3.) The court before whom any skipper, seaman, or apprentice is convicted of an offence under this section may order any money forfeited for that offence to be deducted from his wages, and (if they think fit) may order the forfeiture to be applied for the benefit of the person by whom the wages are payable, or of the person injured by the commission of the offence.

(4.) The provisions of this section relating to the offences of wilful disobedience, continued breach of duty, assault, and unlawful combination shall extend to apprentices in the sea fishing service, and to sea-fishing boys as herein-after defined, whether on shore or on board.

(5.) A seaman or apprentice shall not be relieved by his refusal or neglect to go to sea or by his desertion from being liable to punishment under this section for an offence of wilful disobedience, continued breach of duty, or unlawful combination, and in addition to any such punishment shall also be liable to be punished for the offence of desertion or absence without leave.

(6.) Any imprisonment under this section may be with or without hard labour.

Civil right unaffected by criminal provisions.

377. (1.) Nothing in the last preceding section shall take away or limit any remedy by action or before a court of summary jurisdiction which an owner or skipper would otherwise have for any breach of contract in respect of the matters constituting an offence under that section, but no owner or skipper shall be compensated more than once in respect of the same damage.

(2.) Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice in the sea-fishing service may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Application of forfeitures.

378. All effects and wages which are, under this Part of this Act, forfeited for desertion shall be applied first in reimbursing the expenses occasioned by such desertion to the skipper or owner of the boat, and, subject to that reimbursement, shall be paid into the Exchequer, and carried to the Consolidated Fund; and any court having cognizance of any proceedings in relation thereto may order the same to be applied accordingly, and where the effects forfeited do not consist of money, may order the same to be sold, and the proceeds of the sale to be applied in manner aforesaid.

Deserters and others may be sent back to their boats.

379. Whenever any seaman or apprentice is brought before any court charged with the offence (under this Part of this Act) of desertion or of absence without leave, or with otherwise absenting himself from his boat without leave, the court may at the request of the owner or skipper or his agent, in addition to, or in lieu of, imposing any punishment to which he may be liable, cause him to be conveyed on board for the purpose of fulfilling his engagement, or deliver him to the skipper to be so conveyed by him, and may order any costs or expenses properly incurred to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which he may thereafter earn under his engagement.

Apprehension of seamen guilty of certain offences.

380.—(1.) Any of the following officers; namely,—

(*a*) a superindendent; or

(*b*) the principal Board of Trade officer at a port or district, or his deputy;

may, on the information (made, if the officer so require, on oath) of the owner, skipper, second hand, or agent of a fishing boat, issue a warrant under his hand in the form approved by the Board of Trade for the apprehension of any seaman or apprentice charged with the offence (under this Part of this Act) of desertion, absence without leave, wilful disobedience, continued breach of duty, or unlawful combination.

(2.) Such warrant shall be executed by any constable of the county, borough, or place, where the offender may be, and shall continue in force for ninety-six hours from the time endorsed on the warrant by the officer issuing the same.

(3.) The seaman or apprentice when apprehended shall be brought by the constable without delay before some officer by whom a warrant may be issued under this section, and that officer shall then and there inquire into the case, and if the explanation of the seaman or apprentice is, in his opinion, sufficient, shall discharge him, but, if not, shall order him to join his boat and resume his duty.

(4.) If the seaman or apprentice refuses to obey that order, the officer shall order him to be detained and to be brought with convenient speed before a court of summary jurisdiction, and that court shall hear and determine in due course of law the charge made against him by the information on which he has been apprehended.

(5.) An information laid before an officer under this section need not be reduced to writing.

(6.) An officer acting under this section may take the evidence (if he thinks fit, on oath) of any person other than the seaman or apprentice charged who is able and willing to give information as to the matters in question, and for that purpose shall have the powers of a Board of Trade inspector under this Act.

(7.) A warrant issued under this section shall be valid if it is in the form approved by the Board of Trade and filled in reasonably in accordance with the directions contained in the form, and is duly signed, and shall not be invalidated by the officer who issued it dying or ceasing to hold office.

Dealing with seaman who refuses to proceed to sea, &c.

381. If a seaman or apprentice engaged or liable to serve on board any fishing boat neglects, or refuses to join, or deserts from, or refuses to proceed to sea in, or absents himself without leave from that fishing boat, the skipper owner or agent of the boat may, with or without the assistance of the local constables (who shall give their assistance in these cases when required by the skipper, owner, or agent) take the seaman or apprentice before some officer by whom a warrant can be issued for his apprehension under this Part of this Act, who shall deal with him as if apprehended under such a warrant.

Notice by seaman that he intends to absent himself.

382.—(1.) If a seaman (not being a sea-fishing boy as defined by this Act) or a skipper intends to absent himself from his fishing boat or his duty, he may, when not at sea, give notice of his intention, if a skipper to the owner of the boat or the owner's agent, and if a seaman either to the owner or to the skipper, not less than forty-eight hours before the time at which he ought to be on board.

(2.) When such notice is duly given the skipper or seaman shall not be compelled to go or be brought on board for the purpose of proceeding with the voyage or engagement.

Calculation of wages.

383.—(1.) The wages of a skipper seaman or apprentice of a fishing boat shall accrue from day to day.

(2.) When wages are contracted for by the voyage or trip or the season or by the share, and not by a stated period of time, the amount accruing from day to day shall be an amount equal to the wages for the whole voyage or trip or season, or the whole share

(as the case may be), divided by the number of days occupied in the voyage or trip or season, but a skipper seaman or apprentice shall not be entitled to more than what his share of the profits or catch made during the period he has actually served may or would have amounted to.

(3.) Where the whole time spent in the voyage or trip does not exceed the period for which the wages are to be forfeited, the forfeiture shall extend to the whole wages or share.

Facilities for proving desertion so far as concerns forfeiture of wages.

384.—(1.) Whenever a question arises before a court whether the wages of any skipper seaman or apprentice of a fishing boat are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that the skipper seaman or apprentice was duly engaged and belonged to the boat, and left the boat before the completion of the voyage or engagement.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages, be deemed to be proved, unless the skipper seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he was not guilty of desertion.

Provisions as to Deaths, Injuries, Ill-treatment, Punishments, and Casualties in Fishing Boats.

Record and report of death, injury, ill-treatment, punishment, casualties, &c.

385.—(1.) The skipper of a fishing boat shall keep a record of the following occurrences; namely,—

(i.) Of every death, injury, ill-treatment, or punishment of any member of his boat's crew while at sea or of any person on board his boat, and

(ii.) Of every casualty to his fishing boat or any boat belonging to her.

(2.) The skipper shall produce the record so kept to any superintendent when required by him, and shall also send the same to the superintendent at the port to which the boat belongs at such periods as the Board of Trade require by any directions endorsed on the forms approved by them.

(3.) If any such occurrence has happened in the case of a fishing boat, the skipper of the boat shall make to the superintendent at the port where his boat's voyage ends, within twenty-four hours of the boat's arrival at that port, a report of the occurrence.

(4.) The record and report under this section shall be in such form and contain such particulars as the Board of Trade require.

(5.) If a skipper fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Inquiry as to death, injury, ill-treatment, punishment, &c.

386.—(1.) Where any such occurrence as in the last preceding section mentioned happens or is supposed to have happened, the superintendent at or nearest to the port at which the fishing boat arrives after the occurrence, or to which the boat belongs, may inquire into the cause and particulars of the occurrence, and, if a report as to the occurrence is made to him in pursuance of the said section, may make on the report an endorsement either that in his

opinion the particulars in the report are true, or otherwise to such effect as in his opinion his information warrants.

(2.) For the purpose of the inquiry, a superintendent shall have all the powers of a Board of Trade inspector under this Act.

(3.) If in the course of the inquiry it appears to the superintendent that any such occurrence as aforesaid has been caused or was accompanied by violence or the use of any improper means, he shall report the matter to the Board of Trade, and shall also, if the emergency of the case in his opinion so requires, take immediate steps for bringing the offender to justice, and may for that purpose, if in his discretion he thinks it necessary, cause him to be arrested, and thereafter dealt with in due course of law.

Settlement of Disputes.

Decision of disputes by superintendent.

387.—(1.) A superintendent shall inquire into, hear, and determine any dispute, either between the owner of a fishing boat and the skipper or a seaman of the boat, or between the skipper of a fishing boat and any seaman of the boat concerning—

(i) the skipper's or seaman's wages or his share in the profits of the voyage or trip or a fishing catch, or any deduction therefrom; or

(ii) the skipper's or seaman's engagement, service, or discharge; or

(iii) the cost, quantity, or quality, of the provisions supplied to the crew;

if any party to the dispute calls on him to decide it, and his decision thereon shall be final and binding on all persons.

(2.) The decision shall, on the request of any party to the dispute, be put into writing, and any such written decision, if purporting to be signed by the superintendent, shall be admissible in evidence in manner provided by this Act.

(3.) The decision may be enforced by any justice of the peace, within whose jurisdiction the person or goods of any one against whom the decision is given may be found, in the same manner as if the decision were an order made by a court of summary jurisdiction, and a skipper or seaman may also recover any sum adjudged due to him by any such decision as if it were wages.

(4.) A superintendent for the purpose of hearing and determining any such dispute shall have all the powers of a Board of Trade inspector under this Act.

Provisions for ascertaining Profits of Fishing Boats.

Accounts to be rendered by owners.

388.—(1.) Where a skipper or any other member of the crew of a fishing boat is paid by a share in the catch, the owner of the boat shall render to him a full and true account, in a form approved by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions from those amounts which are chargeable in any respect to the men who are paid by share, and are made either in respect of stores supplied to the fishing boat, or provisions furnished to the crew or otherwise.

(2.) If the owner of a fishing boat fails without reasonable cause to comply with the foregoing provisions of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) If a dispute arises as to the share of the catch, the skipper or seaman shall be entitled to inspect at all reasonable times the owner's accounts and books relating to the catch, and if the owner of a fishing boat upon demand fails without reasonable cause to submit his accounts or books at a reasonable time to such inspection, he shall for each offence be liable to a fine not exceeding twenty pounds.

Agreements for Fishing Vessels in Scotland.

Agreements for fishing vessels in Scotland.

389.—(1.) The owner or skipper of any British vessel engaged in fishing off the coast of the United Kingdom may enter into an agreement with any person employed on that vessel that that person shall be remunerated wholly by a share in the profit of the fishing adventure.

(2.) Every such agreement shall be in writing, and shall be signed by the contracting parties in the presence of a superintendent.

(3.) The superintendent shall, before the agreement is signed, read and (if necessary) explain the same to the contracting parties, and shall attest the signature of the agreement and certify that it has been read to, and agreed to, by the contracting parties.

(4.) Any such agreement, if made in manner provided by this section, shall be valid and binding on all the contracting parties, and shall have effect notwithstanding anything in Part II. of this Act.

(5.) This section shall only apply to Scotland.

Fees and Control of Superintendents.

Fees payable on engagements and discharges.

390.—(1.) The Board of Trade may fix the fees to be payable upon engagements or discharges of members of the crews of fishing boats when effected before a superintendent; and a superintendent may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid.

(2.) All fees so paid shall be carried to the credit of the Mercantile Marine Fund.

Control of Board of Trade.

391. All superintendents shall, in carrying into effect the provisions of this Part of this Act, other than those relating to the fishing boat register, be subject to the control of and obey any directions given by the Board of Trade.

(II.) PROVISIONS APPLYING TO ALL FISHING BOATS OF TWENTY-FIVE TONS TONNAGE AND UPWARDS.

The following sections shall apply to all fishing boats of twenty-five tons tonnage and upwards.

Apprenticeship and Agreements with Boys.

392. A boy under the age of thirteen years shall not enter into any apprenticeship to the sea-fishing service or agreement with respect to that service, and an indenture of apprenticeship or agreement made contrary to this section shall be void.

Restriction on apprenticeships and agreements in the case of young boys.

393.—(1.) A boy under the age of sixteen years shall not be taken to sea for the purpose of serving in any capacity connected with the sea-fishing service, unless he is bound by an indenture of apprenticeship or agreement made in conformity with this Part of this Act, and a boy bound by any such agreement is in this Act referred to as a sea-fishing boy.

Boys to be properly apprenticed or have proper agreements.

(2.) If any person takes a boy to sea, or causes a boy to be taken to sea, in contravention of this section, that person shall be liable to a fine not exceeding twenty pounds.

(3.) Boards of guardians in apprenticing boys to the sea-fishing service, shall not cause or permit any such apprenticeship to be made except in conformity with this Part of this Act.

(4.) Nothing in this Part of this Act shall prevent the daily employment in a fishing boat of any boy under the age of sixteen years, who is under no obligation to remain in that employment for a longer period than one day, and with whom no written agreement has been made.

394. All superintendents shall give to persons desirous of making indentures of apprenticeship to the sea-fishing service or agreements under this Part of this Act, or of causing the same to be made, such assistance as may be in their power in reference thereto, and shall supply forms of indentures or agreements at such reasonable rates (if any) as the Board of Trade may fix, and may receive such fees in respect of those indentures or agreements as the Board of Trade may fix.

Assistance by superintendents.

395.—(1.) Indentures of apprenticeship to the sea-fishing service, and agreements with boys under the age of sixteen years with respect to that service, shall be made before a superintendent and be in accordance with this Act, and every such indenture or agreement not so made shall be void.

Apprenticeships and agreements with boys to be made before superintendent.

(2.) A superintendent, before allowing any such indenture or agreement to be completed, shall satisfy himself—

(*a*) that the indenture or agreement complies with all the requirements of this Part of this Act; and

(*b*) that the master with whom the indenture or agreement is made is a fit person for the purpose; and

(*c*) that the apprentice or boy is not under the age of thirteen years, and is of sufficient health and strength; and

(*d*) that the nearest relations of the apprentice or boy or his guardians assent, in the case of an apprentice, to the apprenticeship, and to the stipulations in the indenture of apprenticeship, and in the case of a boy, to the stipulations of the agreement:

and shall make and sign an endorsement that he is so satisfied on the indenture or agreement.

(3.) Where there are no nearest relations or guardians, or where they cannot readily be found, or are not known, the superintendent shall act as guardian for the occasion, and state in his endorsement that he has so acted.

(4.) The superintendent's endorsement shall be admissible in evidence in manner provided by this Act.

(5.) The indentures of apprenticeship and agreements shall be in such form, and contain such covenants, provisions, stipulations, endorsements, and certificates as are prescribed by Order in Council made on the recommendation of the Board of Trade, and any directions given in the forms so prescribed shall be complied with.

(6.) The indentures and agreements shall be executed in triplicate, one of which shall be kept by the master, one by the boy, and one by the superintendent before whom it is made.

(7.) All such indentures and agreements made in conformity with this Part of this Act shall be exempt from stamp duty.

Enforcement by superintendents of indentures or agreements.

396.—(1.) Where an indenture of apprenticeship to the sea-fishing service, or any agreement with a sea-fishing boy, has been made before a superintendent at a port, the superintendent for the time being at that port may, by proper legal proceeding taken in his own name, enforce on behalf of the apprentice or boy against the master any stipulations in that indenture or agreement.

(2.) Where an apprentice or boy is taken to sea from any port under an indenture or agreement which is void, the superintendent at that port, or if there is none the superintendent at the nearest port, may, by proper legal proceedings taken in his own name, enforce, to such extent as he thinks just, on behalf of the apprentice or boy against the master any stipulation in the void indenture or agreement which is in favour of the apprentice or boy.

(3.) Any sums recovered by a superintendent under this section may, so far as necessary, be applied by him in payment of the costs of recovering the same.

Powers of superintendent under indenture or agreement.

397. Where an indenture of apprenticeship to the sea-fishing service, or an agreement with a sea-fishing boy, is made before a superintendent at any port, the superintendent for the time being at that port shall have, and when necessary shall execute, all the powers given to the superintendent by the indenture or agreement.

Prohibition on taking money for apprenticeships and boys agreements.

398. If any person—

(*a*) receives any money or valuable consideration from the person to whom an apprentice in the sea-fishing service is bound, or to whom a sea-fishing boy is bound by any agreement, or from anyone on that person's behalf, or from the apprentice or boy or anyone on the apprentice or boy's behalf, in consideration of the apprentice or boy being so bound; or

(*b*) makes or causes any such payment to be made;

that person shall in respect of each offence be guilty of a misdemeanor, whether the apprentice or boy was or was not validly bound.

(III.) PROVISIONS APPLYING TO TRAWLERS.

The following sections shall apply only to fishing boats being trawlers and save as otherwise provided only to fishing boats being trawlers of twenty-five tons tonnage and upwards.

Engagement of Seamen.

Agreements with crew.

399.—(1.) The skipper of every fishing boat being a trawler of twenty-five tons tonnage or upwards shall enter into an agreement (in this Part of this Act called a fishing boat's agreement), in accordance with this Part of this Act, with every seaman whom he carries to sea as one of his crew from any port in England or Ireland, and shall not carry to sea any seaman with whom no such agreement has been entered into.

(2.) If a skipper acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) This section shall not apply in the case of a sea-fishing boy.

Form, period, and condition of agreement.

400.—(1.) A fishing boat's agreement shall be in a form approved by the Board of Trade, and be dated at the time of the first signature thereof, and be signed by the skipper before a seaman signs it.

(2.) A fishing boat's agreement shall contain as terms thereof—

(*a*) the nature and, as far as practicable, the duration of the intended voyage or engagement:

(*b*) the number and description of the crew:

(*c*) the time at which each seaman is to be on board or to begin work:

(*d*) the capacity in which each seaman is to serve:

(*e*) the remuneration which each seaman is to receive, whether in wages or by share in the catch, or in both ways, and the time from which each seaman's remuneration is to commence:

(*f*) a scale of the provisions to be furnished to each seaman:

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which the Board of Trade have approved as proper and the parties agree to adopt.

(3.) The fishing boat's agreement shall be so framed as to admit of stipulations, to be adopted at the will of the skipper and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations that are not contrary to law

Mode of entering into agreements.

401.—(1.) A fishing boat's agreement shall be signed by each seaman, and the skipper shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(2.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be sent by the skipper to the superintendent at the port of departure and retained by him, and the other part shall be retained by the skipper, and shall contain a special place for the descriptions and signatures of

substitutes, or persons engaged subsequently to the first departure of the fishing boat.

(3.) Where a substitute is engaged in the place of a seaman who has signed the agreement, and whose services are lost by death, desertion, failure to join, or other unforeseen cause, the skipper shall, before the fishing boat puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of the skipper who shall attest the signature.

Agreements by owner or for service in two or more fishing boats.

402.—(1.) Fishing boats agreements may be made by the owner (or if there are several owners the registered managing owner) instead of by the skipper; and the provisions of this Part of this Act with respect to fishing boats agreements shall apply as if the owner were skipper.

(2.) Fishing boats agreements may be made for service either in a particular boat or in two or more boats belonging to the same owner, provided that in the latter case the names of the boats and the length and nature of the service, and the rates periods and method of payment are specified in the agreement.

Fishing boats running agreements

403.—(1.) Fishing boats agreements may, if the voyages of the boat average less than six months in duration, be made to extend over two or more voyages or any number of weeks, and agreements so made are in this Part of this Act referred to as fishing boats running agreements.

(2.) Fishing boats running agreements shall not extend beyond the next following thirtieth day of June or thirty first day of December, or the first arrival of the boat at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival.

Endorsement of engagements and discharge on running agreements.

404. (1.) Where a fishing boat's running agreement has been made for any boat, the skipper shall on every return to a port in the United Kingdom before the final termination of the agreement make and sign an endorsement on the agreement stating either that no engagements or discharges of seamen have been made or are intended to be made before the boat leaves port, or that all those made have been made as required by law.

(2.) If a skipper knowingly makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding five pounds.

Report of crew.

405.—(1.) The owners of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall, within forty-eight hours of her departure from port on any voyage, send or cause to be sent to the superintendent at the port a true report, signed by an owner or the registered managing owner, in a form approved by the Board of Trade, stating the names of the skipper, seamen, and apprentices who have gone to sea in her, and such other particulars as the Board require.

(2.) Where the sole or the registered managing owner or every owner of such a fishing boat goes to sea in her on the voyage, or the voyage commences at a port where there is no owner or

registered managing owner, the report may be made and signed on his behalf by his agent for that purpose.

(3.) If any requirement of this section is not complied with in the case of any boat, each owner of the boat and the registered managing owner (if any) of the boat shall for each offence be liable to a fine not exceeding five pounds.

(4.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners of boats from this section.

Statement of change of crew in case of running agreements.

406.—(1.) Where a fishing boat's running agreement has been made, the skipper shall, before finally leaving any port for sea during the continuance of the agreement, sign and send to the nearest superintendent an accurate statement, in a form approved by the Board of Trade, of every change which has taken place in his crew, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a skipper fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt skippers of boats from this section.

Alterations, &c. in agreements to be attested.

407. Every erasure interlineation or alteration in a fishing boat's agreement (except additions so made as herein-before directed for shipping substitutes or persons engaged subsequently to the first departure of the fishing boat) shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in that erasure interlineation or alteration.

Offences as to agreements with the crew.

408. If a skipper—

(i) fraudulently alters, or makes any false entry in, a fishing boat's agreement, or is privy to any such fraudulent alteration or false entry;

(ii) delivers, or is privy to the delivery of, a false copy of a fishing boat's agreement;

he shall for each offence be liable to a fine not exceeding twenty pounds.

Payment of Wages and Discharge of Seamen.

Account of wages.

409.—(1.) The owner of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall deliver to the skipper, and the owner or skipper of such a boat shall deliver to every seaman of that boat, a full and true account, in a form approved by the Board of Trade, of the wages of the skipper or seaman, as the case may be (not being a share in the catch), and of all deductions to be made therefrom on any account whatever, and a deduction from the wages of a skipper or seaman shall not be allowed unless it is included in the account so delivered, or is in regard of a matter happening after such delivery.

(2.) The skipper may by notice to the owner, and a seaman may by notice to the skipper, dispense with the delivery of such account.

(3.) Except where the account of wages is dispensed with, the account shall be delivered not less than four hours before the paying off or discharge of the skipper or seaman.

(4.) If the owner or skipper of a boat fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Certificate of discharge.

410.—(1.) Upon the discharge of a seaman from a fishing boat, being a trawler of twenty-five tons tonnage or upwards, or on the payment of his wages, the skipper shall sign and deliver to him a certificate of discharge, in a form approved by the Board of Trade, specifying the period of his service, and the time and place of his discharge.

(2.) If a skipper fails to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Compensation to seamen improperly discharged.

411. If a seaman, having signed a fishing boat's agreement, is discharged before the commencement of the voyage, or at any time during the voyage or engagement, without fault on his part justifying the discharge and without his consent, he shall be entitled to recover, in addition to an amount of wages proportionate to the time he has served, sufficient compensation for the damage caused to him by the discharge, and may recover that compensation as wages duly earned.

Provision as to discharge, &c. to apply in the case of any sort of agreement.

412. The provisions of this Part of this Act relating to the discharge of seamen and the payment of wages shall apply whether the seaman is serving under an ordinary agreement, or under an agreement to serve in two or more fishing boats belonging to the same owner, or under a fishing boat's running agreement.

Certificates of Skippers and Second Hands.

Skippers and second hands to hold certificate of competency.

413.—(1.) A fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall not go to sea from any port of England or Ireland unless provided with a duly certificated skipper and a duly certificated second hand.

(2.) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) If any person, except in case of necessity—

(*a*) having been engaged to serve as skipper or second hand of a fishing boat, being a trawler of twenty-five tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated; or

(*b*) employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated;

that person shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this Part of this Act appropriate to his station in the boat or to a higher station.

(5.) Where the skipper of such a boat is absent from his boat a superintendent may, on the request of the owner of the boat, and

on being satisfied that the absence is due to an unavoidable cause, authorise the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purposes of this section be deemed to be a duly certificated skipper.

Granting of certificate of competency.

414.—(1.) Certificates of competency as skipper or as second hand of fishing boats, or any particular class of fishing boats, may be granted by the Board of Trade in the same manner as certificates of competency as master or mate under the Second Part of this Act, and all the provisions of this Act with respect to or connected with the examination of applicants for certificates and the granting thereof, and the suspension and cancellation thereof, and inquiries and investigations into the conduct of the holders thereof, and all other provisions of this Act relating to or connected with certificates of masters or mates, shall apply to the certificates as skipper or second hand of fishing boats, and the holders thereof, as if the certificates had been granted under Part II. of this Act, and the holders thereof shall be entitled to such privileges, and subject to such liabilities as they would be if such certificates had been so granted.

(2.) A certificate of competency as skipper of a fishing boat shall not be granted to any person unless he has previously held a certificate as second hand for at least twelve months.

Certificate of service.

415.—(1.) If any person before the first day of September one thousand eight hundred and eighty-three served as a skipper or before the first day of July one thousand eight hundred and eighty-eight served as a second hand in fishing boats, being trawlers of twenty-five tons tonnage and upwards or such other fishing boats as the Board of Trade consider will have afforded that person sufficient experience, for a period amounting in all to not less than twelve months, that person shall be entitled to a certificate of service as skipper or second hand, as the case may be, of a fishing boat, limited, if he has been exclusively employed in a particular class of such fishing boats, to that particular class.

(2.) If a person proves to the Board of Trade that he has served as required by this section and has been generally well conducted on board the boats in which he has served, the Board of Trade shall deliver a certificate of service to him.

(3.) The certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and date of birth of the holder, and of the length and nature of his previous service.

(4.) This Act shall apply to a certificate of service so granted and to the holder thereof in like manner as it applies to a certificate of competency granted under this Part of this Act and to the holder thereof.

Registers of certificated skippers and second hands.

416.—(1.) The Board of Trade may cause a register of certificated skippers and second hands to be kept in such form and by such person, and containing such particulars, as the Board direct.

(2.) Such register shall be admissible in evidence in manner provided by this Act, and the absence of an entry in the register of any person or matter shall be evidence of the non-registration of such person or matter, and if the question is whether the person has been certificated as a skipper or second hand, of his not being so certificated.

Conveyance of Fish from Trawlers.

Board of Trade regulations as to conveyance of fish from trawlers.

417.—(1.) The Board of Trade, on the application of any owners of a fleet of fishing boats, or of any association of owners of fishing boats, or of any persons having the charge or command of a fleet of fishing boats, or without such application if the person or association entitled to make the application fails after request by the Board of Trade to do so, may make such regulations respecting the conveyance of fish from fishing boats catching fish as trawlers to vessels engaged in collecting and carrying fish to port, as may appear to the Board expedient for preventing loss of life, or danger to life or limb.

(2.) All regulations so made shall be laid for thirty days before both Houses of Parliament while in session, and shall not come into force till the expiration of those thirty days; and if either House within those thirty days resolves that the whole or any part of the regulations laid before them ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place.

(3.) All regulations made under this section shall, whilst in force, have effect as if enacted in this Act.

(4.) If any person to whom such a regulation applies fails without reasonable cause to comply therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(5.) This section shall apply to fishing boats of whatever tonnage.

PART V.

SAFETY.

Prevention of Collisions.

Collision regulations.

418.—(1.) Her Majesty may, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the collision regulations), shall have effect as if enacted in this Act.

(2.) The collision regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction, and in any case arising in a British court concerning matters arising within British jurisdiction foreign ships shall, so far as respects the collision regulations and the said provisions of this Act, be treated as if they were British ships.

419.—(1.) All owners and masters of ships shall obey the collision regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations. Observance of collision regulations.

(2.) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanor.

(3.) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(4.) Where in a case of collision it is proved to the court before whom the case is tried, that any of the collision regulations have been infringed, the ship by which the regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made departure from the regulation necessary.

(5.) The Board of Trade shall furnish a copy of the collision regulations to any master or owner of a ship who applies for it.

420.—(1.) A surveyor of ships may inspect any ship, British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the collision regulations, and if the surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same. Inspection as to lights and fog signals.

(2.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs at any port at which the ship may seek to obtain a clearance or transire; and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals, in conformity with the collision regulations.

(3.) For the purpose of an inspection under this section a surveyor shall have all the powers of a Board of Trade inspector under this Act.

(4.) Where the certificate as to lights and fog signals is refused, an owner may appeal to the court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.

(5.) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and of this Act as to lights and fog signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by them to grant, the certificate.

(6.) Subject to any order made by the judge of court of survey the costs of and incidental to the appeal shall follow the event.

(7.) A surveyor in making an inspection under this section shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

(8.) Such fees as the Board of Trade may determine shall be paid in respect of an inspection of lights and fog signals under this section not exceeding those specified in the Sixteenth Schedule to this Act.

Saving for local rules of navigation in harbours, &c.

421.—(1.) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2.) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

Duty of vessel to assist the other in case of collision.

422.—(1.) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel crew and passengers (if any),

(*a*) to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(*b*) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2.) If the master or person in charge of a vessel fails to comply with this section, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act neglect or default.

(3.) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanor, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Collisions to be entered in official log.

423.—(1.) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book (if any), and the entry shall be signed by the master, and also by the mate or one of the crew.

(2.) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

424. Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

Application of collision regulations to foreign ships.

Report of Accidents and Loss of Ship.

425.—(1.) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Board of Trade, by letter signed by the owner or master, a report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

Report to Board of Trade of accidents to steamships.

(2.) If the owner or master of a steamship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) This section shall apply to all British ships, and to all foreign steamships carrying passengers between places in the United Kingdom.

426.—(1.) If the managing owner or, in the event of there being no managing owner, the ship's husband, of any British ship has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

Notice of loss of British ship to be given to the Board of Trade.

(2.) If a managing owner or ship's husband fails without reasonable cause to comply with this section within a reasonable time, he shall for each offence be liable to a fine not exceeding fifty pounds.

Life-saving Appliances.

427.—(1.) The Board of Trade may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters; namely,—

Rules as to life-saving appliances.

(*a.*) The arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried;

(*b*.) The number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water which methods may include oil for use in stormy weather; and

(*c*.) The quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys.

(2.) All such rules shall be laid before Parliament so soon as may be after they are made, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament; and on coming into operation shall have effect as if enacted in this Act.

(3.) Rules under this section shall not apply to any fishing boat for the time being entered in the fishing boat register under Part IV. of this Act.

Duties of owners and masters as to carrying life-saving appliances.

428. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Appointment of consultative committee for framing rules.

429.—(1.) For the purpose of preparing and advising on the rules for life-saving appliances, the Board of Trade may appoint a committee, the members of which shall be nominated by the Board in accordance with the Seventeenth Schedule to this Act.

(2.) A member of the committee shall hold office for two years from the date of his appointment, but shall be eligible for re-appointment.

(3.) There shall be paid to the members of the committee, out of the Mercantile Marine Fund, such travelling and other allowances as the Board of Trade may fix.

(4.) Her Majesty may, by Order in Council, alter the Seventeenth Schedule to this Act.

Penalty for breach of rules.

430.—(1.) In the case of any ship—

(*a*) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or

(*b*) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or

(*c*) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or

(*d*) if such appliances are not kept so as to be at all times fit and ready for use;

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding one hundred pounds, and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3.) If the court before whom a person is charged with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Survey of ship with respect to live-saving appliances.

431.—(1.) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under this Act.

(2.) If the said surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3.) Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act.

General Equipment.

Adjustment of compasses and provision of hose.

432.—(1.) Every British sea-going steamship if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steamship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship:

(2.) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Placing undue weight on safety valve.

433. A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Signals of Distress.

Signals of distress.

434.—(1.) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress.

(2.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress, except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Provision of signals of distress, inextinguishable lights, and life-buoys.

435.—(1.) Where a ship is a sea-going passenger steamer or emigrant ship within the meaning of the Third Part of this Act, the ship shall be provided to the satisfaction of the Board of Trade—

(*a*) with means for making the said signals of distress at night, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(*b*) with a proper supply of lights inextinguishable in water, and fitted for attachment to life-buoys.

(2.) If any such ship goes to sea from any port of the United Kingdom without being provided as required by this section, then for each default in any of the above requisites, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Draught of Water and Load-Line.

Ship's draught of water to be recorded.

436.—(1.) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose, to record, in such manner and with such particulars as they direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of her clear side in feet and inches, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy thereof to the Board of Trade.

(2.) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in manner provided by this Act.

(3.) The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in the official log-book (if any), and shall produce the record to any chief officer of customs whenever required by him, and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit that person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of the record; and if any master fails to do so, or impedes, or suffers anyone under his control to impede, any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) In this section the expression "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

437.—(1.) Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession), shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water. **Marking of deck-lines.**

(2.) The upper edge of each of the deck-lines must be level with the upper side of the deck plank next the waterway at the place of marking.

(3.) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4.) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

438.—(1.) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before the time hereinafter mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with an horizontal line eighteen inches in length drawn through its centre. **Marking of load-line.**

(2.) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

(3.) The position of the disc shall be fixed in accordance with the tables used at the time of the passing of this Act by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is

measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the Board of Trade.

(4.) In approving any such modifications the Board of Trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the Board of Trade, as herein-after mentioned, for the purpose of approving and certifying the position of the load-line.

Ships with submerged load-lines deemed unsafe.

439. If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load-line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this Part of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Time, &c. for marking of load-line in case of foreign-going vessels.

440.—(1.) Where a ship proceeds on any voyage from a port in the United Kingdom for which the owner is required to enter the ship outwards, the disc indicating the load-line shall be marked, before so entering her, or, if that is not practicable, as soon afterwards as may be.

(2.) The owner of the ship shall upon entering her outwards insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck-lines which is above that centre, and if default is made in inserting that statement, the ship may be detained.

(3.) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a superintendent shall not proceed with the engagement of the crew until that entry is made.

(4.) The master of the ship shall also enter a copy of that statement in the official log-book.

(5.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Time, &c. for marking of load-line in case of coasting vessels.

441.—(1.) Where a ship employed in the coasting trade is required to be marked with the disc indicating the load-line, she shall be so marked before the ship proceeds to sea from any port; and the owner shall also once in every twelve months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck-lines which is above that centre.

(2.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3.) If default is made in transmitting or delivering any notice or statement under this section, the owner shall, for each offence, be liable to a fine not exceeding one hundred pounds.

(4.) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until notice is given of an alteration.

Penalty for offences in relation to marking of load-line.

442.—(1.) If—

(*a*) any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this Part of this Act required, or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line; or

(*b*) any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine not exceeding one hundred pounds.

(2.) If any mark required by this Part of this Act is in any respect inaccurate so as to be likely to mislead, the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Regulations as to load-line.

443.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(*a*) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that this Part of this Act is to have effect as if any such line were drawn through the centre of the disc; and

(*b*) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise; and

(*c*) as to the mode of application for, and form of, certificates under this section; and

(*d*) requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries.

(3.) All such regulations shall, while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to

the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of customs under the provisions herein-before contained.

Provision as to colonial ships with respect to load-lines.

444. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this Part of this Act relating to load-lines, and is equally effective for ascertaining and determining the maximum load-lines to which those ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, Her Majesty in Council may declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Part of this Act.

Provision as to foreign ships with respect to load-lines.

445.—(1.) Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of this Act relating thereto, Her Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of this Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions.

(2.) Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Dangerous Goods.

Restrictions on carriage of dangerous goods.

446.—(1.) A person shall not send or attempt to send by any vessel, British or foreign, and a person not being the master or owner of the vessel, shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2.) If any person fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds; or if he shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods

shipped by him were of a dangerous nature, then not exceeding ten pounds.

(3.) For the purpose of this Part of this Act the expression "dangerous goods" means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the Explosives Act, 1875, and any other goods which are of a dangerous nature. 38 & 39 Vict. c. 17.

447. A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and if he acts in contravention of this section he shall for each offence be liable to a fine not exceeding five hundred pounds. Penalty for misdescription of dangerous goods.

448.—(1.) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact. Power to deal with goods suspected of being dangerous.

(2.) Where any dangerous goods, or any goods, which, in the judgment of the master or owner of the vessel, are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

449.—(1.) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the court direct. Forfeiture of dangerous goods improperly sent or carried.

(2.) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

450. The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter. Saving for other enactments relating to dangerous goods.

Loading of Timber.

Loading of timber.

451.—(1.) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods as herein-after defined, the master of that ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section.

(2.) Provided that a master or owner shall not be liable to any fine under this section—

(*a*) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(*b*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(*c*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(3.) For the purposes of this section, the expression "wood goods" means—

(*a*) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(*b*) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or

(*c*) any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck.

(4.) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Carriage of Grain.

Obligation to take precautions to prevent grain cargo from shifting.

452.—(1.) Where a grain cargo is laden on board any British ship all necessary and reasonable precautions (whether mentioned in this Part of this Act or not) shall be taken in order to prevent the grain cargo from shifting.

(2.) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America.

453.—(1.) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade.

(2.) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this Part of this Act.

(3.) Nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

Notice by master of kind and quantity of grain cargo.

454.—(1.) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer, or, if the port is in a British possession, to the chief officer of customs, at that port, a notice stating—

(*a*) the draught of water and clear side, as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and

(*b*) the following particulars in respect to the grain cargo; namely,—

(i) the kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and

(ii) the mode in which the grain cargo is stowed; and

(iii) the precautions taken against shifting.

(2.) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876, on the arrival of the ship in the United Kingdom. 39 & 40 Vict. c. 36.

(3.) Every such notice shall be sent to the Board of Trade, as soon as practicable, by the officer receiving the same.

(4.) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(5.) The Board of Trade may, by notice published in the London Gazette, or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

Power of Board of Trade for enforcing provisions as to carriage of grain.

455. For securing the observance of the provisions of this Part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

Definition of grain, &c.

456. For the purpose of the provisions of this Part of this Act with respect to grain cargo—

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

Unseaworthy Ships.

Sending unseaworthy ship to sea a misdemeanor.

457.—(1.) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

(2.) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

(3.) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the governor of the British possession in which the prosecution takes place.

(4.) A misdemeanor under this section shall not be punishable upon summary conviction.

(5.) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

458.—(1.) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2.) Nothing in this section—

(*a*) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

(*b*) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Power to detain unsafe ships, and procedure for detention.

459.—(1) Where a British ship, being in any port in the United Kingdom, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows:—

(*a.*) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(*b.*) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(*c.*) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and the Board may vary or add to any such order.

(*d*) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship

may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court

(*e.*) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(*f.*) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(*g.*) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The Board of Trade may with the consent of the Treasury appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7.) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

Liability for costs and damages.

460.—(1.) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Board of Trade shall be

liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2.) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of the detention, an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3.) For the purpose of this section the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to one of the officers following, namely, in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Auditor of the Court of Session, and the officer shall, on request by the Board of Trade, ascertain and certify the proper amount of those costs.

(4.) An action for any costs or compensation payable by the Board of Trade under this section may be brought against the Secretary of that Board by his official title as if he were a corporation sole, and if the cause of action arises in Ireland, and the action is brought in the High Court, that Court may order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland in such manner and on such terms respecting extension of time and otherwise as the Court thinks fit, and that that service shall be sufficient service of the summons or writ upon the Secretary of the Board of Trade.

Power to require from complainant security for costs.

461.—(1.) Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

(2.) Provided that such security shall not be required where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3.) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

462. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that

port unsafe by reason of overloading or improper loading, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(i.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;

(ii.) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is herein-before provided in the case of a British ship; and

(iii.) Where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

Survey of ships alleged by seamen to be unseaworthy.

463.—(1.) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2.) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3.) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Board of Trade, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship,

her freight, or cargo, to survey the ship, and to answer any question concerning her which the court think fit to put.

(4.) Such surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before them in accordance with those opinions.

(5.) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act.

(6.) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

(7.) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Board of Trade.

(8.) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Board of Trade, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

PART VI.

SPECIAL SHIPPING INQUIRIES AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

Shipping casualties.

464. For the purpose of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur—

(1.) When on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged;

(2.) When on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom;

(3.) When on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship;

(4.) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom;

(5.) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom;

(6.) When in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom;

(7.) When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

Preliminary inquiry into shipping casualties.

465.—(1.) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons; namely,—

(*a.*) Where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief officer of customs residing at or near the place at which the casualty occurs; or

(*b.*) Where the shipping casualty occurs elsewhere, by the inspecting officer of the coastguard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(*c.*) In any case by any person appointed for the purpose by the Board of Trade.

(2.) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act.

Formal investigation of shipping casualties.

466.—(1.) A person authorised as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and that court shall thereupon hold the formal investigation.

(2.) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation.

(3.) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this Part of this Act with regard thereto.

(4.) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(5.) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as is in his power.

(6.) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the court thereon, accompanied by such report of, or extracts from, the evidence, and such observations as the court think fit.

(7.) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.

(8.) The court may make such order as the court think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the court as an order for costs under the Summary Jurisdiction Acts.

(9.) The Board of Trade may, if in any case they think fit so to do, pay the costs of any such formal investigation.

(10.) For the purposes of this section the court holding a formal investigation shall have all the powers of a court of summary jurisdiction when acting as a court in exercise of their ordinary jurisdiction.

(11.) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have an opportunity of making a defence.

(12.) Formal investigations into shipping casualties under this section shall be held in some town hall, assize or county court, or public building, or in some other suitable place to be determined according to rules made under this Part of this Act with regard thereto, and, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court, and all enactments relating to the court shall for the purposes of the investigation have effect as if the place at which the court is held were a place appointed for the exercise of the ordinary jurisdiction of the court.

(13.) Where an investigation is to be held in Scotland, the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

List of assessors.

467.—(1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons whose names are on any such list may be approved for any subsequent list.

(2.) The Secretary of State may at any time add or withdraw the name of any person to or from the list.

(3.) The list of assessors in force at the passing of this Act shall, subject as aforesaid, continue in force till the end of the year one thousand eight hundred and ninety-five.

Inquiry in case of loss of life from fishing vessel's boat.

468. When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly.

Power as to Certificates of Officers, &c.

Power of Board of Trade as to certificate.

469. The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

Power of court of investigation or inquiry as to certificates.

470.—(1.) The certificate of a master, mate, or engineer may be cancelled or suspended—

(*a*) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court:

(*b*) by a court holding an inquiry under this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act:

(*c*) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court.

(2.) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof.

(3.) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report.

(4.) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

Inquiry into conduct of certificated officer.

471.—(1.) If the Board of Trade, either on the report of a local marine board or otherwise, have reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act, the Board may cause an inquiry to be held.

(2.) The Board may either themselves appoint a person to hold the inquiry or direct the local marine board at or nearest the place at which it is convenient for the parties or witnesses to attend to hold the same, or where there is no local marine board before which the parties and witnesses can conveniently attend, or the

local marine board is unwilling to hold the inquiry, may direct the inquiry to be held before a court of summary jurisdiction.

(3.) Where the inquiry is held by a local marine board, or by a person appointed by the Board of Trade, that board or person—

(*a*) shall hold the inquiry, with the assistance of a local stipendiary magistrate, or, if there is no such magistrate available, of a competent legal assistant appointed by the Board of Trade; and

(*b*) shall have all the powers of a Board of Trade inspector under this Act; and

(*c*) shall give any master, mate, or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear; and

(*d*) may make such order with regard to the costs of the inquiry as they think just; and

(*e*) shall send a report upon the case to the Board of Trade.

(4.) Where the inquiry is held by a court of summary jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this Part of this Act, provided that, if the Board of Trade so direct, it shall be the duty of the person who has brought the charge against the master, mate, or engineer, to the notice of the Board of Trade to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

Removal of master by Admiralty Court.

472.—(1.) Any of the following courts; namely,—

In England and Ireland the High Court,

In Scotland the Court of Session,

Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty Court,

may remove the master of any ship within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.

(2.) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one third or more of the crew of the ship.

(3.) The court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent, or consignee.

(4.) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

Delivery of certificate cancelled or suspended.

473.—(1.) A master, mate, or engineer whose certificate is cancelled or suspended by any court or by the Board of Trade shall deliver his certificate—

(*a*) if cancelled or suspended by a court to that court on demand:

(*b*) if not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct.

(2.) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds.

Power of Board of Trade to restore certificate.

474. The Board of Trade may, if they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer which has been cancelled or suspended, whether in the United Kingdom or in a British possession, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade.

Re-hearing of Investigations and Inquiries.

Re-hearing of inquiries and investigations.

475.—(1.) The Board of Trade may, in any case where under this Part of this Act a formal investigation as aforesaid into a shipping casualty, or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—

(*a*) if new and important evidence which could not be produced at the investigation or inquiry has been discovered; or

(*b*) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.

(2.) The Board of Trade may order the case to be re-heard, either by the court or authority by whom the case was heard in the first instance, or by the wreck commissioner, or in England or Ireland by the High Court, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

(3.) Where on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts; namely,—

(*a*.) If the decision is given in England or by a naval court, to the High Court:

(*b*.) If the decision is given in Scotland, to either division of the Court of Session:

(*c*.) If the decision is given in Ireland, to the High Court in Ireland.

(4.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Supplemental Provisions as to Investigations and Inquiries.

Investigations before stipendiary magistrate.

476.—(1.) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.

(2.) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

Power to appoint wreck commissioners.

477. The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three of those commissioners at any one time, and may remove any such wreck commissioner; and in case it becomes necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

Authority for colonial court to make inquiries into shipping casualties and conduct of officers.

478.—(1.) The legislature of any British possession may authorise any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships, in the following cases; namely,—

(*a.*) Where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession:

(*b.*) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession:

(*c.*) Where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession:

(*d.*) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession, or on board a British ship in the course of a voyage to a port within the British possession:

(*e.*) Where the incompetency or misconduct has occurred on board a British ship registered in the British possession:

(*f.*) When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.

(2.) A court or tribunal so authorised shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

(3.) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.

(4.) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession.

(5.) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.

(6.) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England: Provided that an appeal shall not lie—

(*a*) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or

(*b*) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act.

(7.) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Rules as to investigations and inquiries.

479.—(1.) The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this Part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held.

(2.) Any rule made under this section while in force shall have effect as if it were enacted in this Act.

(3.) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as to the appointment of assessors, and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

Naval Courts on the High Seas and Abroad.

Cases in which naval courts may be summoned.

480. A court (in this Act called a naval court) may be summoned by any officer in command of any of Her Majesty's ships on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases; (that is to say,)

(i.) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship, or by a certificated mate, or by any one or more of the seamen belonging to any such ship;

(ii.) Whenever the interest of the owner of any British ship or of the cargo thereof appears to that officer to require it; and

(iii.) Whenever any British ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be,

or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrive at that place.

Constitution of naval courts.

481.—(1.) A naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant ships, or British merchants, and the court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.

(2.) The naval or consular officer in the court, if there is only one such officer, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the court.

Functions of naval courts.

482.—(1.) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.

(2.) A naval court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

Powers of naval courts.

483.—(1.) Every naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,)

(*a.*) The court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard:

(*b.*) The court may, in cases in which they are authorised by this Act and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer:

(*c.*) The court may discharge a seaman from his ship:

(*d.*) The court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the Exchequer, in the same manner as fines under this Act:

(*e.*) The court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:

(*f.*) The court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned:

(*g*.) The court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under the Thirteenth Part of this Act:

(*h*.) The court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom: Provided that—

(i) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose; and

(ii) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander-in-chief or senior naval officer of the station:

(*j*.) The court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Fifth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.

(*k*.) The court may order the costs of the proceedings before them, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any costs or compensation so ordered to be paid shall be paid by that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.

(2.) All orders duly made by a naval court under the powers hereby given to it, shall in any subsequent legal proceedings be conclusive as to the rights of the parties.

(3.) All orders made by any naval court shall, whenever practicable, be entered in the official log-book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

Report of proceedings of naval courts.

484.—(1.) Every naval court shall make a report to the Board of Trade containing the following particulars; (that is to say,)

(*a*.) A statement of the proceedings of the court, together with the order made by the court, and a report of the evidence;

(*b*.) An account of the wages of any seaman or apprentice who is discharged from his ship by the court;

(*c*.) If summoned to inquire into a case of wreck or abandonment; a statement of the opinion of the court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require.

(2.) Every such report shall be signed by the president of the court, and shall be admissible in evidence in manner provided by this Act.

Penalty for preventing complaint or obstructing investigation.

485. If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, he shall for each offence be liable to a fine not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

Application of provisions as to naval courts.

486.—(1.) The provisions of this Part of this Act with regard to naval courts on the high seas and abroad shall apply to all sea-going ships registered in the United Kingdom (with the exception, in their application elsewhere than in Scotland, of fishing boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession, when those ships are out of the jurisdiction of their respective governments, and where they apply to a ship, shall apply to the owners, master, and crew of that ship.

(2.) For the purpose of the said provisions an unregistered British ship shall be deemed to have been registered in the United Kingdom.

Courts of Survey.

Constitution of court of survey.

487.—(1.) A court of survey for a port or district shall consist of a judge sitting with two assessors.

(2.) The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act with respect to that court, out of a list approved for the port or district by a Secretary of State, of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

(3.) The assessors shall be persons of nautical, engineering, or other special skill and experience; subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge: If a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign country, to add any persons to any such list, those

persons shall, until otherwise directed by the Secretary of State, be added to the list, and if there is no such list shall form the list.

(4.) The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court to meet forthwith in manner directed by the rules.

(5.) The name of the registrar and his office, together with the rules made as aforesaid, relating to the court of survey, shall be published in the manner directed by the rules.

(6.) In the application of this section to Scotland the expression "judge of a county court" means a sheriff, and the expression "county court registrar" means sheriff clerk.

(7.) In the application of this section to Ireland the expression "stipendiary magistrate" includes any of the justices of the peace in Dublin metropolis and any resident magistrate.

(8.) In the application of this section to the Isle of Man the expression "judge of a county court" means the water bailiff, the expression "stipendiary magistrate" means the high bailiff, the expression "registrar of a county court" means a clerk to a deemster or a clerk to justices of the peace.

Power and procedure of court of survey.

488.—(1.) The court of survey shall hear every case in open court.

(2.) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under this Act.

(3.) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4.) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle, and any person who wilfully impedes such judge, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a fine not exceeding ten pounds.

(5.) The judge of the court shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(6.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.

(7.) The judge of the court shall send to the Board of Trade such report as may be directed by the rules, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

Rules for procedure of court of survey, &c.

489. The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules to carry into

effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules, and those rules shall have effect as if enacted in this Act.

Scientific Referees.

Reference in difficult cases to scientific persons.

490.—(1.) If the Board of Trade are of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

(2.) The Board of Trade, if the appellant in any appeal so requires and gives security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

(3.) The referee or referees shall have the same powers as a judge of the court of survey.

Payments to Officers of Courts.

Payments to officers of courts.

491. There may be paid out of money provided by Parliament to any wreck commissioner, judge of a court of survey, assessor in any court of survey or investigation under this Part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or investigation under this Part of this Act, such salary or remuneration (if any) as the Treasury may direct.

PART VII.

DELIVERY OF GOODS.

Delivery of Goods and Lien for Freight.

Definitions under Part VII.

492. In this Part of this Act, unless the context otherwise requires—

The expression "goods" includes every description of wares and merchandise:

The expression "wharf" includes all wharves, quays, docks, and premises in or upon which any goods, when landed from ships, may be lawfully placed:

The expression "warehouse" includes all warehouses, buildings, and premises in which goods, when landed from ships, may be lawfully placed;

The expression "report" means the report required by the customs laws to be made by the master of an importing ship:

The expression "entry" means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship:

The expression "shipowner" includes the master of the ship and every other person authorised to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship:

The expression "owner" used in relation to goods means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien (if any), to that lien:

The expression "wharfinger" means the occupier of a wharf as herein-before defined:

The expression "warehouseman" means the occupier of a warehouse as herein-before defined.

Power of shipowner to enter and land goods on default by owner of goods.

493.—(1.) Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the goods at the following times:—

(*a*.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:

(*b*.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, from the time of the report of the ship.

(2.) Where a shipowner lands goods in pursuance of this section he shall place them, or cause them to be placed—

(*a*) if any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and

(*b*) in any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed; the wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods.

(3.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall in that case be preferred to any entry which may have been made by the shipowner.

(4.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the

same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on that landing and assortment shall be borne by the shipowner.

(5.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make that delivery, and has also failed at the time of that offer to give the owner of the goods correct information of the time at which the goods can be delivered, then the shipowner shall, before landing or unshipping the goods, in pursuance of this section, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without that notice, do so at his own risk and expense.

Lien for freight on landing goods.

494. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as herein-after mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

Discharge of lien.

495. The said lien for freight and other charges shall be discharged—

(1) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner, and

(2) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner;

but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Provisions as to deposits by owners of goods.

496.—(1) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, pay the sum deposited over to the shipowner.

(2.) If a notice is given as aforesaid the wharfinger or warehouseman shall immediately apprize the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by the notice to be payable, and shall retain the balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the notice.

(3.) At the expiration of those thirty days unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

(4.) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

Sale of goods by warehousemen.

497.—(1.) If the lien is not discharged, and no deposit is made as aforesaid, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as in his discretion he thinks fit, sell by public auction, either for home use or for exportation, the goods or so much thereof as may be necessary to satisfy the charges herein-after mentioned.

(2.) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, send notice of the sale to the owner of the goods by post.

(3.) The title of a bonâ fide purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent.

Application of proceeds of sale.

498. The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order:—

(i.) First, if the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof; then

(ii.) In payment of the expenses of the sale; then

(iii.) In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them; or, if there is no such agreement—

(*a*) in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods; and then

(*b*) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;

and the surplus, if any, shall be paid to the owner of the goods.

Warehouseman's rent and expenses.

499. Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this Part of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses.

Warehousemen's protection.

500. Nothing in this Part of this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Part of this Act.

Saving for powers under local Acts.

501. Nothing in this Part of this Act shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Part of this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local Act.

PART VIII.

Liability of Shipowners.

Limitation of shipowner's liability in certain cases of loss of, or damage to, goods.

502. The owner of a British sea-going ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases; namely,—

(i.) Where any goods, merchandise, or other things whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship; or

(ii.) Where any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with, or secreting thereof.

Limitation of owner's liability in certain cases of loss of life, injury, or damage.

503.—(1.) The owners of a ship, British or foreign, shall not, where all or any of the following occurrences take place without their actual fault or privity; (that is to say,)

(*a*.) Where any loss of life or personal injury is caused to any person being carried in the ship;

(*b*.) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board the ship;

(*c.*) Where any loss of life or personal injury is caused to any person carried in any other vessel by reason of the improper navigation of the ship;

(*d.*) Where any loss or damage is caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel, by reason of the improper navigation of the ship;

be liable to damages beyond the following amounts; (that is to say,)

(i.) In respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, merchandise, or other things, an aggregate amount not exceeding fifteen pounds for each ton of their ship's tonnage; and

(ii.) In respect of loss of, or damage to, vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury or not, an aggregate amount not exceeding eight pounds for each ton of their ship's tonnage.

(2.) For the purposes of this section—

(*a.*) The tonnage of a steam ship shall be her gross tonnage without deduction on account of engine room; and the tonnage of a sailing ship shall be her registered tonnage:

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to this Act with regard thereto.

(*b.*) Where a foreign ship has been or can be measured according to British law, her tonnage, as ascertained by that measurement shall, for the purpose of this section, be deemed to be her tonnage.

(*c.*) Where a foreign ship has not been and cannot be measured according to British law, the surveyor-general of ships in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from or by the direction of the court hearing the case, in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to British law, and the tonnage so stated in that certificate shall, for the purposes of this section, be deemed to be the tonnage of the ship.

(3.) The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to vessels, goods, merchandise, or things as aforesaid arising on distinct occasions to the same extent as if no other loss, injury, or damage had arisen.

Power of courts to consolidate claims against owners, &c.

504. Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, personal injury, or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability, then, the owner may apply in England and Ireland to the High Court, or in Scotland to the Court of Session, or in a British possession to

any competent court, and that court may determine the amount of the owner's liability and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks just.

Part owners to account in respect of damages.

505. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part of the Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

Insurances of certain risks not invalid.

506. An insurance effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part of this Act shall not be invalid by reason of the nature of the risk.

Proof of passengers on board ship.

507. In any proceeding under this Part of this Act against the owner of a ship or share therein with respect to loss of life, the passenger lists under the Third Part of this Act shall be received as evidence that the person upon whose death proceedings are taken under this Part of this Act was a passenger on board the ship at the time of death.

Liability in certain cases not affected.

508. Nothing in this Part of this Act shall be construed to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman, or to extend to any British ship which is not recognised as a British ship within the meaning of this Act.

Extent of Part VIII.

509. This Part of this Act shall, unless the context otherwise requires, extend to the whole of Her Majesty's dominions.

PART IX.

Wreck and Salvage.

Vessels in Distress.

Definition of "wreck" and "salvage."

510. In this Part of this Act, unless the context otherwise requires—

(1.) The expression "wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water:

(2.) The expression "salvage" includes all expenses, properly incurred by the salvor in the performance of the salvage services.

Duty of receiver where vessel in distress.

511.—(1.) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place

is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2.) If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels in distress.

512.—(1.) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

(*a*) require such persons as he thinks necessary to assist him:

(*b*) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power:

(*c*) demand the use of any waggon, cart, or horses that may be near at hand.

(2.) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding one hundred pounds; but a person shall not be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the use of the same under this section.

Power to pass over adjoining lands.

513.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2.) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3.) If the owner or occupier of any land—

(*a*) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

(*b*) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

Power of receiver to suppress plunder and disorder by force.

514.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.

(2.) The receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

(3.) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed, or hurt.

Liability for damage in case of a vessel plundered.

515. Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel:

In England in the same manner, by the same authority, and out of the same rate as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the Riot (Damages) Act, 1886, and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district; 49 & 50 Vict. c. 38.

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and 1 Geo. 1. st. 2. c. 5.

In Ireland in manner provided by the Act of the Session held in the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to "extend the remedies for the compensation of malicious "injuries to property in Ireland" with respect to damage to any dwelling-house or other property therein mentioned. 16 & 17 Vict. c. 38.

Exercise of powers of receiver in his absence.

516.—(1.) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, principal officer of the coastguard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the

military service of Her Majesty, may do anything by this Part of this Act authorised to be done by the receiver.

(2.) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver; but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination in respect of ships in distress.

517.—(1.) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)

(*a*.) The name and description of the ship;
(*b*.) The name of the master and of the owners,
(*c*.) The names of the owners of the cargo;
(*d*.) The ports from and to which the ship was bound,
(*e*.) The occasion of the distress of the ship;
(*f*.) The services rendered; and
(*g*.) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2.) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.

(3.) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

Dealing with Wreck.

Provision as to wreck found in the United Kingdom.

518. Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall,—

(*a*) if he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised;

(*b*) if he is not the owner thereof, as soon as possible deliver the same to the receiver of the district:

and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding one hundred pounds, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the person entitled to the same, double the value thereof, to be

recovered in the same way as a fine of a like amount under this Act.

519.—(1.) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver. Penalty for taking wreck at time of casualty.

(2.) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

520. Where a receiver takes possession of any wreck he shall within forty eight hours— Notice of wreck to be given by receiver.

(*a*) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished; and

(*b*) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection.

521.—(1.) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him. Claims of owners to wreck.

(2.) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

522. A receiver may at any time sell any wreck in his custody if in his opinion— Immediate sale of wreck by receiver in certain cases.

(*a*) it is under the value of five pounds, or

(*b*) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or

(*c*) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject

to the same claims, rights, and liabilities as if the wreck had remained unsold.

Unclaimed Wreck.

Right of Crown to unclaimed wreck.

523. Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted to any other person the right to that wreck.

Notice of unclaimed wreck to be given to persons entitled.

524.—(1.) Where any admiral, vice-admiral, lord of the manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, he shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.

(2.) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

Disposal of unclaimed wreck.

525. Where no owner establishes a claim to any wreck, found in the United Kingdom and in the possession of a receiver, within one year after it came into his possession, the wreck shall be dealt with as follows; (that is to say,)

(1.) If the wreck is claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has delivered such a statement to the receiver as herein-before provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found, the wreck after payment of all expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him;

(2.) If the wreck is not claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule, determine) for the benefit of the Crown, as follows; (that is to say,)

(*a*) If the wreck is claimed in right of Her Majesty's duchy of Lancaster, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy;

(*b*.) If the wreck is claimed in right of the duchy of Cornwall, to the receiver general of that duchy or his deputies as part of the revenues of that duchy; and

(*c*.) If the wreck is not so claimed, the receiver shall pay the proceeds of sale to the Mercantile Marine Fund during the life of Her present Majesty, and after the decease of Her present Majesty to her heirs and successors.

526.—(1.) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this Part of this Act.

Disputed title to unclaimed wreck.

(2.) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title.

527. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

Delivery of unclaimed wreck by receivers not to prejudice title.

528.—(1.) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.

Power to Board of Trade to purchase rights to wreck.

(2.) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and in the construction of those Acts for the purposes of this section this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorised to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

529. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorised by this Act.

Admiral not to interfere with wreck.

Removal of Wrecks.

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

Removal of wreck by harbour or conservancy authority.

(*a*) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and

(*b*) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and

(*c*) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:—

(1.) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and

(2.) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

Power of lighthouse authority to remove wreck.

531.—(1.) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority.

(2.) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this Part of this Act, shall be paid out of the Mercantile Marine Fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

Powers of removal to extend to tackle, cargo, &c.

532. The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

533. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final. Power for Board of Trade to determine certain questions between authorities.

534. The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse, authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object. Powers to be cumulative.

Offences in respect of Wreck.

535. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years. Taking wreck to foreign port.

536.—(1.) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force. Interfering with wrecked vessel or wreck.

(2.) A person shall not—

(*a*) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;

(*b*) secrete any wreck, or deface or obliterate any marks thereon; or

(*c*) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck,

and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

537.—(1.) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof or that any wreck is otherwise improperly dealt with he may apply to any justice of the peace for a search warrant and that justice shall have power to grant such a warrant, Summary procedure for concealment of wreck.

and the receiver, by virtue thereof, may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2.) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow.

Marine Store Dealers.

Marine store dealer to have his name and trade painted on his shop.

538.—(1.) Every person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (in this Part of this Act called a marine store dealer) shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.

(2.) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Marine store dealer to keep proper books.

539.—(1.) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of that person.

(2.) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Marine store dealer not to purchase from person under sixteen.

540.—(1.) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years.

(2.) If a marine store dealer so purchases any marine store, he shall be liable to a fine for the first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds.

Marine store dealer not to cut up cable, &c.

541.—(1.) A marine store dealer shall not, on any pretence, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff without obtaining a written permit as required by this section.

(2.) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides, stating—

(*a*) the quality and description of the cable or other like article about to be cut up or unlaid;

(*b*) the name and description of the person from whom he purchased or received the same; and

(*c*) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly:

and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article.

(3.) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section, he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

Permit to be advertised before dealer proceeds to act thereon.

542.—(1.) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resides one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut up or unlaid.

(2.) If any person suspects or believes that the cable or other article is his property he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this Part of this Act to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books.

(3.) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds.

Marking of Anchors.

Marking of anchors.

543.—(1.). Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor.

(2.) If a manufacturer of anchors fails without reasonable cause to comply with this section, he shall be liable for each offence to a fine not exceeding five pounds.

Salvage.

Salvage payable for saving life.

544.—(1.) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner herein-after mentioned.

(2.) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3.) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the Mercantile Marine Fund, such sum as they think fit in whole or part satisfaction of any amount of salvage so left unpaid.

Salvage of life from foreign vessels.

545. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country, when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

Salvage of cargo or wreck.

546. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner herein-after mentioned.

Procedure in Salvage.

Determination of salvage disputes.

547.—(1.) Disputes as to the amount of salvage whether of life or property, and whether rendered within or without the United Kingdom arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined summarily in manner provided by this Act, in the following cases; namely,—

(*a*.) In any case where the parties to the dispute consent:

(*b*.) In any case where the value of the property saved does not exceed one thousand pounds:

(*c*.) In any case where the amount claimed does not exceed in Great Britain three hundred pounds, and in Ireland two hundred pounds.

(2.) Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland the Court of Session, but if the claimant does not recover in any such court in Great Britain more than three hundred pounds, and in any such court in Ireland more than two hundred pounds, he shall not be entitled to recover any costs, charges, or expenses incurred by him in the prosecution of his claim, unless the court

before which the case is tried certify that the case is a fit one to be tried otherwise than summarily in manner provided by this Act.

(3.) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(4.) Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:—

(*a*.) In England it shall be referred to and determined by a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or any Act amending the same: 31 & 32 Vict. c. 71.

(*b*.) In Scotland it shall be referred to and determined by the sheriff's court:

(*c*.) In Ireland it shall be referred to the arbitration of and determined by two justices of the peace, or a stipendiary magistrate, or the recorder of any borough having a recorder, or the chairman of quarter sessions in any county, and any such justices, stipendiary magistrate, recorder, or chairman are herein-after included in the expression "arbitrators."

(5.) Nothing in this Act relating to the procedure in salvage cases shall affect the jurisdiction or procedure in salvage cases of a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or the Court of Admiralty (Ireland) Act, 1867, or any Act amending either of those Acts. 30 & 31 Vict. c. 114.

Determination of disputes as to salvage summarily.

548.—(1.) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—

(*a*) where the dispute relates to the salvage of wreck be referred to a court or arbitrators having jurisdiction at or near the place where the wreck is found:

(*b*) where the dispute relates to salvage in the case of services rendered to any vessel or to the cargo or apparel thereof or in saving life therefrom be referred to a court or arbitrators having jurisdiction at or near the place where the vessel is lying, or at or near the port in the United Kingdom into which the vessel is first brought after the occurrence by reason whereof the claim of salvage arises.

(2.) Any court or arbitrators to whom a dispute as to salvage is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.

Appeal in case of salvage disputes.

549.—(1.) Where a dispute relating to salvage has been determined summarily in manner provided by this Act, any party aggrieved by the decision may appeal therefrom—

(*a*) in Great Britain, in like manner as in the case of any other judgment in an Admiralty or maritime cause of the county court or sheriff's court, as the case may be; and

(*b*) in Ireland, to the High Court, but only if the sum in dispute exceeds fifty pounds, and the appellant within ten days after

the date of the award gives notice to the arbitrators of his intention to appeal and, within twenty days after the date of the award, takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.

(2.) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands to be a true copy of the proceedings had before them or their umpire (if any) and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed, and such copy and certificate shall be admitted in the court of appeal as evidence in the case.

As to arbitrators in Ireland

550.—(1.) The Lord Lieutenant in Ireland may appoint, out of the justices for any borough or county, a rota of justices, by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.

(2.) Where no such rota is appointed the salvors may, by writing addressed to the justices clerk, name one justice and the owner of the property saved may in like manner name another justice to be arbitrators; and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions.

(3.) Where a dispute as to salvage is referred to justices under this Act, they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

(4.) The arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.

(5.) There shall be paid to every umpire appointed as aforesaid, in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.

(6.) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner, and in such shares and proportions, as the arbitrators or umpire may direct by the award.

(7.) The arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8.) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this Part of this Act.

551.—(1.) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties. Valuation of property by receiver.

(2.) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3.) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct.

552.—(1.) Where salvage is due to any person under this Act, the receiver shall— Detention of property liable for salvage by a receiver.

(*a*) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(*b*) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck.

(2.) Subject as herein-after mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (herein-after referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.

(3.) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two hundred pounds, and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the Lord Ordinary officiating on the bills during vacation.

(4.) Any security given for salvage in pursuance of this section to an amount exceeding two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

553.—(1.) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases; namely,— Sale of detained property by receiver.

(*a*.) Where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or,

(*b*.) Where the amount is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court, or

(*c*.) Where the amount is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2.) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Agreement as to salvage.

554.—(1.) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship, and the cargo, and freight respectively, and the respective owners of the ship, cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

(2.) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this Part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath.

(3.) The salvor shall transmit the statements made, as soon as practicable to the court in which the agreement is to be adjudicated upon

Apportionment of salvage under 200*l.* by receiver.

555.—(1.) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, and does not exceed two hundred pounds, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him, and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate

(2.) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3.) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

556. Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit.

Apportionment of salvage by Admiralty Courts.

Salvage by Her Majesty's Ships.

557.—(1.) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.

Salvage by Her Majesty's ships.

(2.) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be evidence of that consent.

(3.) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

558.—(1.) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salver is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

Salvage by Her Majesty's ships abroad.

(2.) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

Provisions as to bond to be executed.

559.—(1.) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.

(2.) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.

(3.) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act, he may proceed ex parte.

(4.) A consular officer may for the purposes of this section take affidavits.

(5.) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

Execution of bond.

560.—(1.) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.

(2.) The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

Enforcement of bond.

561.—(1.) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England.

(2.) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any Colonial Court of Admiralty or Vice-Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds.

(3.) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.

(4.) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England

or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

562.—(1.) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act. Saving for other salvage rights

(2) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

563. Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty. Exemption from stamp duty.

564. If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships— Punishment for forgery and false representations.

(*a*) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or

(*b*) puts off or makes use of any forged or altered document, knowing the same to be so forged or altered; or

(*c*) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

Jurisdiction of High Court in Salvage.

565. Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land. Jurisdiction of High Court in salvage.

Appointment of Receivers of Wreck.

566. The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wreck, and may, with the consent of the Treasury, appoint any officer of customs or of the coastguard, or any officer of inland revenue, or, where it appears to such Board to be more convenient, any other Appointment of receivers of wreck.

person, to be a receiver of wreck (in this Part of this Act referred to as a receiver), in any district, and to perform the duties of receiver under this Part of this Act, and shall give due notice of the appointment.

Fees of Receivers of Wreck.

Receivers fees.

567.—(1.) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Twentieth Schedule to this Act, such fees not exceeding the amounts therein mentioned as may be directed by the Board of Trade, but a receiver shall not be entitled to any remuneration other than those payments.

(2.) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3.) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade, and the decision of that Board shall be final.

(4.) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

Remuneration for services by coastguard.

568.—(1.) Where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property, then, unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for those services, the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this Part of this Act.

(2.) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated.

Duties on Wreck.

Provisions as to duties, &c. on wrecked goods.

569.—(1.) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.

(2.) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take security for the due protection of the revenue in respect of those goods.

Supplemental.

Powers of sheriff in Scotland.

570. Any matter or thing which may be done under this Part of this Act by or to a justice of the peace, or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the county.

Saving for Cinque ports.

571. Nothing in this Part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

PART X.

PILOTAGE.

Preliminary.

Application of Part X.

572. This Part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and foreign.

Pilotage authority.

573. In this Act the expression "pilotage authority" includes all bodies and persons authorised to appoint or license pilots or to fix or alter rates of pilotage or to exercise any jurisdiction in respect of pilotage.

Continuance of existing pilotage authorities.

574. Every pilotage authority shall retain all powers and jurisdiction which they now lawfully possess, so far as the same are consistent with the provisions of this Act; but no law relating to that authority, or to the pilots licensed by them, and no act done by that authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

Powers of Board of Trade as to Pilotage Districts and Authorities.

Constitution of new pilotage authorities.

575.—(1.) The Board of Trade may by provisional order—

(*a*) in any area where there is no pilotage authority, constitute new pilotage authorities and districts; and

(*b*) extend the limits of any pilotage district by including therein any area in which there is no pilotage authority.

(2.) There shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots in any new pilotage district constituted under this section, or in any area included in a pilotage district under this section.

Transfer of pilotage jurisdiction.

576.—(1.) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, the Board of Trade may by provisional order—

(*a*) transfer so much of the jurisdiction as concerns the last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in maritime matters at that port, or to any body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or

(*b*) transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests of the several ports concerned.

(2.) For the purpose of any transfer under this section, the Board of Trade may by provisional order—

(*a*) incorporate the body to whom the transfer is made if it is a new body;

(*b*) make the body to whom the transfer is made a pilotage authority, with such powers as may be mentioned in the provisional order;

(*c*) determine the limits of the district of the pilotage authority to whom the transfer is made;

(*d*) sanction a scale of pilotage rates to be taken by the pilots licensed by that authority;

(*e*) determine to what extent and under what conditions any pilots then already licensed by the pilotage authority from whom the transfer is made are to continue to act under the pilotage authority to whom the transfer is made;

(*f*) sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the pilotage authority from whom the transfer is made, between the pilots remaining under the jurisdiction of that authority, and the pilots who are transferred to the jurisdiction of the authority to whom the transfer is made;

(*g*) provide for such compensation or superannuation as may be just to officers employed by the pilotage authority from whom the transfer is made, and not continued by the pilotage authority to whom the transfer is made.

Direct representation of pilots, &c., on pilotage authority.

577. The Board of Trade may by provisional order make provision or further provision for the direct representation of pilots, and, if it seems expedient, also of shipowners, on the pilotage authority of any district, or if there is a pilotage committee of that authority, or any body of commissioners or sub-commissioners appointed by that authority, then on that committee or body.

578. The Board of Trade may by provisional order exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and annex any terms and conditions to those exemptions.

Exemption from compulsory pilotage.

579.—(1.) Where the pilotage is not compulsory, and there is no restriction on the power of duly qualified persons to obtain licences as pilots, the Board may by provisional order give any pilotage authority power to license pilots, and to fix pilotage rates for their district or any part of their district for which no such licences or rates for the time being exist, and to raise all or any of the pilotage rates in force in their district or any part of their district; and, where there is also no restriction on the number of pilots, to give additional facilities for the recovery of pilotage rates, and for preventing the employment of unqualified pilots.

Power of Board of Trade to give facilities with respect to licences, rates, &c.

(2.) The Board of Trade may by provisional order give facilities for enabling duly qualified persons, after examination as to their qualifications, to obtain licences as pilots.

580.—(1.) The Board of Trade may make a provisional order under this Part of this Act on the application in writing of some person interested in the pilotage of the district or in the operation of the laws or regulations relating to that pilotage.

Making and confirming provisional orders.

(2.) Notice of the application having been made shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in the Shipping Gazette, and in some newspaper or newspapers circulating in the county, or, if there are more than one county, in the counties adjacent to the pilotage district to which the application relates.

(3.) The notice shall state the objects which it is proposed to effect by the provisional order.

(4.) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed provisional order, and shall for that purpose allow at least six weeks to elapse between the date on which the application is referred to the pilotage authority and that on which the provisional order is made.

(5.) The Board of Trade shall, after considering all objections, determine whether to proceed with the provisional order or not; and shall, if they determine to proceed with the order, settle the order in such manner and with such terms and conditions not being inconsistent with the provisions of this Act, as they may think fit; and shall, when they have settled the order, forward copies thereof to the persons making the application and to the pilotage authority of any district to which it refers.

(6.) A provisional order under this Part of this Act shall not take effect unless and until it is confirmed by Parliament; and for the purpose of that confirmation the Board of Trade shall introduce into Parliament a public general Bill in which, or in the schedule

to which, the provisional order or provisional orders to be thereby confirmed shall be set out at length.

(7) If any petition is presented to either House of Parliament against any such provisional order in the progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the order petitioned against may be referred to a select committee, and the petitioner shall in that case be allowed to appear and oppose as in the case of private Bills

Byelaws by Pilotage Authorities.

Power of pilotage authorities as to exemptions from compulsory pilotage

581. Every pilotage authority may, by byelaw made under this Part of this Act, exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots, and annex any terms and conditions to those exemptions, and revise or extend any such exemptions or any exemptions existing by virtue of any Act of Parliament, law, charter, or usage, upon such terms and conditions and in such manner as may appear desirable to the authority.

Power of pilotage authorities to make byelaws

582. Subject to the provisions of this Part of this Act, a pilotage authority may by byelaw made under this Part of this Act—

(1) determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots:

(2) make regulations respecting the approval and licensing of pilot boats in their district:

(3) provide for the establishment and regulation of companies for the support of those pilot boats and for a participation of profits therein:

(4) fix the terms and conditions of granting licences to pilots and apprentices and pilotage certificates for masters and mates:

(5) make regulations for the government of the pilots and apprentices licensed by them, and of masters and mates holding pilotage certificates granted by them, and for ensuring their good conduct and constant attendance to, and effectual performance of, their duty whether at sea or on shore, and provide for the punishment of any breach of those regulations by the withdrawal or suspension of the licence or certificate of the person guilty of that breach, or by the infliction of fines not exceeding twenty pounds to be recoverable as fines are recoverable under this Act:

(6) fix the rates and prices or other remuneration to be demanded and received for the time being by the pilots licensed by them, and alter the mode of remuneration of those pilots in such manner as they think fit, so, however, that no higher rates or prices are demanded or received in the case of the Trinity House than those set out in the table contained in the Twenty-first Schedule to this Act, and in the case of any other pilotage authority than those which might have been lawfully fixed or demanded by that authority under any Act, charter, or custom in force immediately before the

first day of May in the year one thousand eight hundred and fifty-five:

(7) make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of that other authority or the privileges of the pilots licensed by that other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with that other authority and the pilots licensed by it, or for delegating or surrendering those powers and privileges or any of them to any other pilotage authority already constituted or to be constituted by agreement between those authorities, and to the pilots licensed by it, as may appear to those pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping:

(8) establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children; and make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (those persons to be in the service of the pilotage authority) to and in which and by and upon whom the contributions in support of those existing or future funds may be made or levied, and declare what persons or class of persons (the person or class of persons being limited to the men in the service of the pilotage authority, their wives, widows, or children) are entitled to participate in the benefits of any existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled:

(9) require masters and mates who hold pilotage certificates granted by them or by the Board of Trade under this Part of this Act to contribute towards the pilotage fund of the district, and to make a periodical return to them of the pilotage services rendered by them; provided that the contribution so required from a master or mate shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be fixed by the Board of Trade:

(10) provide for the granting by them of special licences qualifying the persons to whom those licences are granted to act as pilots for any part of the sea or channels beyond the limits of their pilotage district, so however that no pilot so licensed be entitled to supersede an unlicensed pilot outside the district of the authority by which he is licensed.

Confirmation of byelaws.

583.—(1.) A byelaw under this Part of this Act shall not take effect until it is submitted to Her Majesty in Council and confirmed by Order in Council.

(2.) Any byelaw proposed to be made under this Part of this Act shall, before it is submitted for confirmation, be published in such manner as the Board of Trade direct.

Appeal against byelaws or regulations not made under this Act.

584. If at any port either—

(*a*) the majority of the qualified pilots belonging to the port; or,

(*b*) the local marine board; or,

(*c*) where there is no local marine board, any number of persons not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a pilotage authority in force before the first day of May, one thousand eight hundred and fifty-five, or made under any power other than a power contained in this Act or in any Act repealed by this Act, or by a defect or omission in any such regulation or byelaw, they may appeal to the Board of Trade, and the Board may thereupon by order revoke, alter, or make additions to that regulation or byelaw, in such manner as, having regard to the interests of the persons concerned, appears to them to be just and expedient, and any order so made shall be conclusive as to the matter in respect of which it is made.

Returns by Pilotage Authorities.

Returns by pilotage authorities to Board of Trade.

585.—(1.) Every pilotage authority shall deliver periodically to the Board of Trade, in the form and at the time required by that Board, returns of the following particulars with regard to pilotage within their district:—

(*a.*) All byelaws or other regulations whether made under this Act or not relating to pilots or pilotage for the time being in force:

(*b.*) The names and ages of all pilots or apprentices licensed or authorised to act by the authority making the return, and of all pilots or apprentices acting either directly or indirectly under that authority, whether so licensed or authorised or not:

(*c.*) The service for which each pilot or apprentice is licensed:

(*d.*) The rates of pilotage for the time being in force, including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage:

(*e.*) The total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively, and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of those rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots; and also the amount paid by such ships (if any) as have, before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to take or pay for two or more pilots, whether licensed by the same or by different pilotage authorities; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid:

(*f*.) The receipt and expenditure of all moneys received by or on behalf of the authority making the return, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage:

(*g*.) The receipts and expenditure, under separate accounts, in respect of any pension or superannuation funds administered by or under the control of the authority making the return.

(2.) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of that authority relating to any matter in respect of which a return is required under this section.

(3.) The Board shall cause any returns made to them under this section to be laid before both Houses of Parliament without delay.

(4.) If any pilotage authority (other than the Trinity House, or sub-commissioners of pilotage appointed by them under this Part of this Act) fail, without reasonable cause, to deliver to the Board of Trade any return required under this section within one year after the time fixed by the Board of Trade for the purpose, or fail without reasonable cause to comply with the requirements of this section with regard to the inspection of books and documents, Her Majesty may, by Order in Council, direct that all the rights and powers of that authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for which the suspension continues, have the same powers of appointing sub-commissioners of pilotage, and of licensing pilots, and of establishing and altering rates of pilotage within the district of the authority making default, as the Trinity House are by this Act authorised to exercise in a district within which no particular provision for the appointment of pilots is made by any Act of Parliament or charter, and shall also during that time have the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the pilotage authority making default would or might have had if the rights and powers of that authority had not ceased or been suspended.

Licensing of Pilots.

Registration of pilot licences.

586.—(1.) A pilot shall be deemed a qualified pilot for the purposes of this Act, if duly licensed by any pilotage authority to conduct ships to which he does not belong.

(2.) Every qualified pilot, on his appointment, shall receive a licence containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act.

(3.) The chief officer of customs at the place at or nearest to which any qualified pilot resides shall, on his request, register his licence, and a qualified pilot shall not be entitled to act as such, until his licence is so registered.

(4.) Every qualified pilot acting beyond the limits for which he is qualified by his licence shall be considered an unqualified pilot.

Copies of pilotage provisions to be furnished to pilot.

587. Every qualified pilot shall, on receiving his licence, be furnished with a copy of this Part of this Act, and with a copy of the rates, byelaws, and regulations established within the district for which he is licensed; and he shall produce those copies to the master of any ship, or other person employing him, when required to do so, and if he fails without reasonable cause to do so, shall be liable to a fine not exceeding five pounds.

Licensed pilot to produce licence to employer.

588.—(1.) Every qualified pilot when acting in that capacity shall be provided with his licence and shall produce the same to every person by whom he is employed or to whom he offers his services as pilot.

(2.) If a qualified pilot refuses, on the request of any such person, to produce his licence, he shall for each offence be liable to a fine not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Production and return of licence to pilotage authority.

589.—(1.) Every qualified pilot, when required to do so by the pilotage authority by whom he is licensed, shall produce or deliver up his licence to that authority.

(2.) On the death of any qualified pilot, the person into whose hands his licence comes shall without delay transmit it to the pilotage authority who licensed the deceased pilot.

(3.) If any pilot or other person fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Penalty on fraudulent use of licence.

590. If an unqualified pilot for the purpose of making himself appear to be a qualified pilot uses a licence which he is not entitled to use, he shall for each offence be liable to a fine not exceeding fifty pounds.

Recovery of Pilotage Dues and other Rights of Pilots.

Recovery of pilotage dues.

591.—(1.) The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained; namely,—

(*a*) The owner or master:

(*b*.) As to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge:

(*c*.) As to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port from which she clears out:

and those dues may be recovered in the same manner as fines of like amount under this Act, but that recovery shall not take place until a previous demand has been made in writing.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

592. A qualified pilot shall not demand or receive, and a master shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may be demanded by law, and, if a pilot or master acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding ten pounds.

Receiving or offering improper rates of pilotage.

593. If any boat or ship having on board a qualified pilot leads any ship which has not a qualified pilot on board when the last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

Pilotage rate for leading ships.

594.—(1.) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever, and if he is so taken under circumstances of unavoidable necessity, or without his consent, shall be entitled, over and above his pilotage dues, to the sum of ten shillings and sixpence a day.

Allowance to licensed pilot taken out of his district.

(2.) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes the limit up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

595.—(1.) The master of a ship, on being requested by any qualified pilot having the charge of his ship, shall declare her draught of water.

Penalty on making a false declaration to pilot as to draught of ship.

(2.) If a master refuses so to declare the draught of water, or himself makes, or is privy to any other person making, a false declaration to the pilot in relation thereto, he shall for each offence be liable to a fine not exceeding double the amount of pilotage dues which would have been payable to that pilot.

(3.) If the master of a ship, or any other person interested in the ship, makes, or is privy to the making of, any fraudulent alteration in the marks on the stem or stern post of the ship denoting the draught of water, he shall for each offence be liable to a fine not exceeding five hundred pounds.

596. An unqualified pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot—

Occasions on which unqualified pilots may act.

(*a*) when no qualified pilot has offered to take charge of that ship, or made a signal for that purpose:

(*b*) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time: or

(*c*) for the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where the act can be done by an unqualified pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

Power of qualified to supersede unqualified pilot.

597. A qualified pilot may supersede an unqualified pilot, but the master shall pay to the unqualified pilot a proportionate sum for his services, and deduct that sum from the charge of the qualified pilot; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

Penalties as to employment of unqualified pilot.

598.—(1.) If an unqualified pilot, whether within a district in which pilotage is compulsory or outside such a district, assumes or continues in the charge of a ship after a qualified pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) If a master of a ship whether navigating within a district in which pilotage is compulsory or outside such a district, knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

Pilotage Certificates for Masters and Mates.

Grant of pilotage certificates to masters and mates.

599.—(1.) A pilotage authority may, if they think fit, on the application of the master or mate of any ship, and on payment by him of the usual expenses, examine him as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner as that ship, within any part of the district of the pilotage authority.

(2.) A pilotage authority, if on examination they find that any master or mate is competent, shall grant him a certificate (in this Act referred to as a pilotage certificate), specifying—

(*a*) the name of the person to whom it is granted:

(*b*) the ship or ships in respect of which it is granted:

(*c*) the limits within which the master or mate is entitled to pilot the ship or ships: and

(*d*) the date on which it is granted.

(3.) The person to whom a pilotage certificate is granted shall, while he is acting as master or mate of any of the ships specified in the certificate, be entitled to pilot that ship within the limits specified in the certificate, without incurring any penalty for not employing a qualified pilot.

(4.) A pilotage certificate so granted shall not be in force for more than the period of one year from its date, but may be renewed from year to year by an endorsement under the hand of the secretary or other proper officer of the pilotage authority who have granted the certificate.

Appeal by master or mate to Board of Trade.

600.—(1.) If it appears to the Board of Trade upon complaint made to them—

(*a*) that a pilotage authority have without reasonable cause refused or neglected to examine a master or mate who has applied to them for the purpose; or

(*b*) that a pilotage authority have without reasonable cause refused or neglected to grant a pilotage certificate after examination; or

(*c*) that an examination of a master or mate has been unfairly or improperly conducted; or

(*d*) that a pilotage authority have imposed unfair or improper terms or conditions on the granting of a certificate; or

(*e*) that a pilotage certficate has been improperly withdrawn from the holder thereof,

the Board of Trade, if the circumstances of the case appear to them to require it, may appoint persons to examine the master or mate, and, if he is found competent, grant him a pilotage certificate upon such terms and conditions as they think fit.

(2.) The pilotage certificate so granted shall contain the same particulars, be of the same effect, and be in force for the same period as a certificate granted by a pilotage authority, and may be renewed either by the pilotage authority of the district, or if the Board of Trade think fit by that Board, and the renewal, if it is granted by the Board of Trade, shall be endorsed on the certificate by some person appointed by the Board of Trade for the purpose, and, if it is granted by a pilotage authority, shall be endorsed on the certificate in the same manner as in the case of certificates of pilotage originally granted by them.

Withdrawal of certificate.

601. The Board of Trade or a pilotage authority, as the case may be, may respectively withdraw any pilotage certificate granted by them if it appear to them that the holder thereof has been guilty of misconduct or has shown himself incompetent to pilot his ship, and a certificate so withdrawn shall cease to be of effect.

Fees for pilotage certificates.

602.—(1.) Masters and mates shall pay such fees upon the granting and renewal of pilotage certificates as—

(*a*) in the case of certificates granted or renewed by a pilotage authority may be fixed by that authority with the consent of the Board of Trade:

(*b*) in the case of certificates granted or renewed by the Board of Trade may be fixed by that Board, provided that they are not less than the fees paid by qualified pilots in the same district in respect of the granting and renewal of licenses.

(2.) The fees so received by a pilotage authority in respect of certificates shall be applicable to the expenses of and incidental to the examinations for the certificates and to the payment of such charges in connexion with the preparation and renewal thereof as may be approved by the Board of Trade, and the surplus (if any) shall be applied for the benefit of the Pilots Superannuation Fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the pilotage authority may think fit.

(3.) The fees received by the Board of Trade in respect of pilotage certificates shall be applicable to the expense of the examinations for those certificates, and the surplus (if any) shall be applied for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the Board thinks fit.

Compulsory Pilotage.

Compulsory pilotage.

603.—(1.) Subject to any alteration to be made by the Board of Trade or by any pilotage authority in pursuance of the powers herein-before contained, the employment of pilots shall continue to be compulsory in all districts where it was compulsory immediately before the commencement of this Act, but all exemptions from that compulsory pilotage shall continue to be in force.

(2.) If, within a district where pilotage is compulsory, the master of an unexempted ship after a qualified pilot has offered to take charge of the ship, or has made a signal for the purpose, pilots his ship himself without holding the necessary certificate, he shall be liable for each offence to a fine of double the amount of the pilotage dues that could be demanded for the conduct of the ship.

Home trade passenger ships to carry pilots

604.—(1.) The master of every ship carrying passengers between any place in the British Islands and any other place so situate, shall, while navigating within the limits of any district for which pilots are licensed under this or any other Act, employ a qualified pilot, unless he or the mate of his ship holds a pilotage certificate or a certificate granted under this section applying to the district, and, if he fails to do so, shall for each offence be liable to a fine not exceeding one hundred pounds.

(2.) The Board of Trade on the application of the master or mate of any such ship as aforesaid, and on being satisfied, by examination or otherwise, as the Board may deem expedient, of the competency of that master or mate, may grant him a certificate authorising him to pilot any ship or ships belonging to the same owner and not being of greater draught of water than that stated in the certificate within the limits aforesaid, and any master or mate to whom the certificate is granted shall be entitled to conduct any such ship as is specified in the certificate within the limits specified in the certificate.

(3.) The certificate shall remain in force for such time as the Board of Trade may direct and may be endorsed on any certificate of competency obtained under the Second Part of this Act.

(4.) A master or mate shall on the application for a certificate under this section, or for a renewal thereof, pay to the Board of Trade, or as the Board directs, such fees not exceeding those payable under the Second Part of this Act on an examination for a master's certificate of competency as the Board of Trade may direct, and those fees shall be applied as the fees payable on that examination.

Exemption from compulsory pilotage

605.—(1.) The master and owner of any ship passing through any pilotage district in the United Kingdom on a voyage between two places both situate out of that district, shall be exempted from any obligation to employ a pilot in that district or to pay pilotage rates when not employing a pilot within that district.

(2.) The exemption under this section shall not apply to ships loading or discharging at any place situate within the district or at any place situate above the district on the same river or its tributaries.

Offences, and suspension and dismissal, of Pilots.

606.—(1.) If a qualified pilot, either within or without the district for which he is licensed,— Offences of pilots.

(*a*) himself keeps, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea;

(*b*) commits any fraud or offence against the revenues of customs, or against the excise or the laws relating thereto;

(*c*) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;

(*d*) lends his licence;

(*e*) acts as pilot whilst suspended;

(*f*) acts as pilot when in a state of intoxication;

(*g*) employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;

(*h*) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of customs;

(*i*) unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship,

(*k*) refuses, when requested by the master, to conduct the ship of which he has charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship; or

(*l*) quits the ship of which he has charge without the consent of the master, before the service for which he was hired has been performed,

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(2.) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(3.) If a qualified pilot commits an offence under this section, or procures, aids, abets, or connives at the commission of any such offence, he shall in addition to his liability to a fine, be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

607. If any pilot, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either— Penalty on pilot endangering ship, life, or limb.

(*a*) does any act tending to the immediate loss, destruction, or serious damage, of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

that pilot shall in respect of each offence be guilty of a misdemeanor, and, if a qualified pilot, shall also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

Penalty on pilot obtaining charge of a ship by misrepresentation.

608. If any person by wilful misrepresentation of circumstances upon which the safety of a ship may depend obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable for each offence to a fine not exceeding one hundred pounds, and, if a qualified pilot, also to suspension or dismissal by the pilotage authority by whom he is licensed.

Powers of pilotage committee to suspend or dismiss pilot.

609. Where provision has been made in pursuance of this Part of this Act for the representation of pilots on the pilotage committee, or commissioners, or sub-commissioners for any pilotage district, the committee, commissioners, or sub-commissioners shall have the like power to suspend or dismiss, or to suspend or revoke the licence of, any pilot licensed for that district who is guilty of an offence under this Part of this Act as the pilotage authority have.

Appeals from suspension or dismissal.

610.—(1.) If a pilot is aggrieved by the decision of a pilotage authority or a pilotage committee, or of any commissioners or sub-commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his licence, or the imposition of a fine which exceeds two pounds, or the application of any pilotage fund to which he has contributed prejudicing his rights in respect of the fund, he may appeal therefrom either to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police magistrate or stipendiary magistrate having jurisdiction within that port.

(2.) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience.

(3.) The assessor shall be selected and summoned by the judge or magistrate, but if the appellant is a pilot licensed by the Trinity House for any district on the coast of England or Wales, the assessor shall be selected from the Brethren of the Trinity House.

(4.) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.

(5.) The judge or magistrate may either confirm or reverse the decision appealed against, or modify the same by increasing or decreasing any penalty or otherwise, as may seem just, and his decision shall be final.

(6.) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.

(7.) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may be made, as respects county court judges, by the authority having power to make rules of practice under the County Courts Act, 1888, and as respects metropolitan police and stipendiary magistrates by a Secretary of State, but in either case with the concurrence of the Treasury as to fees. 51 & 52 Vict. c. 43.

(8.) In Scotland the appeal under this section shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff sitting with an assessor as provided in this section, and rules may be made by the Court of Session by Acts of sederunt with respect to the procedure in case of those appeals in Scotland (including costs and the remuneration of assessors) subject to the concurrence of the Treasury as to fees.

(9.) In the application of this section to Ireland—

(*a.*) The expressions "judge of county courts" and "judge" shall respectively mean a county court judge and chairman of quarter sessions, and include recorder;

(*b.*) The expressions "stipendiary magistrate" and "magistrate" shall respectively mean a magistrate appointed under the Constabulary (Ireland) Act, 1836. 6 & 7 Will. 4. c. 13.

(*c.*) Rules with respect to the procedure in case of appeals under this section (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877, and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Treasury as to fees. 40 & 41 Vict. c. 56.

Pilot Boats and Pilot Signals.

611. All boats and ships regularly employed in the pilotage service of any district (in this Part of this Act referred to as pilot boats) shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats. **Approval of pilot boats.**

612.—(1.) Every pilot boat shall be distinguished by the following characteristics; namely,— **Characteristics of pilot boats.**

(*a.*) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence.

(*b.*) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct.

(*c.*) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation

(2.) It shall be the duty of the master of the pilot boat to see that the pilot boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails without reasonable cause to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Display of pilot flag, when pilot is on board vessel.

613.—(1.) When a qualified pilot is carried off in a vessel not in the pilotage service, he shall exhibit a pilot flag in order to show that the vessel has a qualified pilot on board, and if he fails, without reasonable cause, to do so, he shall for each offence be liable to a fine not exceeding fifty pounds.

(2.) Where the master or mate of a ship holds a pilotage certificate, a pilot flag shall be displayed on board the ship while that master or mate is on board and the ship is within a pilotage district in which pilotage is compulsory, and if default is made in complying with the enactment, the master of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

Penalty on ordinary boat displaying pilot flag.

614. A pilot flag or a flag so nearly resembling a pilot flag as to be likely to deceive shall not be displayed on any ship or boat not having a licensed pilot or a master or mate holding a pilotage certificate on board, and if on any such ship or boat any such flag is displayed, the owner or master of that vessel shall, unless in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, be liable for each offence to a fine not exceeding fifty pounds.

Signals to be displayed by ships requiring a pilot.

615.—(1.) Her Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall for each offence be liable to a fine not exceeding twenty pounds.

Trinity House.

Power of Trinity House to alter regulations.

616. The Trinity House may, in the exercise of the general powers given to pilotage authorities under this Part of this Act, alter such of the provisions herein-after contained in this Part of this Act as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have been altered if these provisions had been contained in any previous Act of Parliament instead of this Act.

Sub-Commissioners (Trinity House).

617.—(1.) The Trinity House shall continue to appoint sub-commissioners (not being more than five nor fewer than three) for the examination of pilots in all districts in which the Trinity House have before the commencement of this Act been used to make those appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners of any other district in which no particular provision is made by any Act of Parliament or charter for the appointment of pilots. Power of Trinity House to appoint sub-commissioners.

(2.) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with the consent of Her Majesty in Council, and sub-commissioners appointed by the Trinity House shall not be deemed to be pilotage authorities within the meaning of this Act.

Licensing of Pilots by Trinity House.

618.—(1.) The Trinity House shall continue, after due examination by them or their sub-commissioners, to appoint and license, under their common seal, pilots for the purpose of conducting ships within the following limits or in any area within those limits; namely,— Licensing of pilots by Trinity House within certain limits.

(i.) The London district, consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Orfordness to the north, and Dungeness to the south.

(ii.) The English Channel district, consisting of the seas between Dungeness and the Isle of Wight.

(iii.) The Trinity House outport districts, comprising any pilotage district for the appointment of pilots within which no particular provision is made by any Act of Parliament or charter.

(2.) The Trinity House shall not license a pilot to conduct ships both above and below Gravesend.

619. Subject to any alteration to be made by the Trinity House, the following provisions shall apply to the licensing of pilots by them:— Regulations as to pilots licences.

(1.) The names of all pilots licensed by the Trinity House shall be published by them—

(*a*) by fixing at their house in London a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act; and

(*b*) by transmitting copies of that notice to the Commissioners of Customs in London, and to the chief officers of customs at all ports or places within the limits for which the pilot is licensed; and those copies shall be posted up at the Custom House in London, and at the custom house at those ports or places.

(ii.) Every Trinity House pilot shall, on his appointment, execute a bond for one hundred pounds, conditioned for the due observance on his part of the regulations and byelaws of the Trinity House, and that bond shall be free from stamp duty, and from every other charge except the actual expense of preparing the same.

(iii.) A licence granted to a pilot by the Trinity House shall not continue in force beyond the thirty-first day of January next following the date of that licence; but the licence may, upon the application of the pilot holding the same, be renewed on or before the thirty-first day of January in every year, or on any subsequent day, by endorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

Pilot's liability limited.

620. A qualified pilot appointed by the Trinity House who has executed a bond under this Part of this Act shall not be liable for neglect or want of skill beyond the penalty of the bond, and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

Power to revoke and suspend licences.

621. The Trinity House may revoke or suspend the licence of any pilot appointed by them, in such manner, and at such time, as they think fit.

Compulsory Pilotage (Trinity House).

Compulsory pilotage districts of Trinity House.

622.—(1.) Subject to any alterations to be made by the Trinity House, and to the exemptions under this Part of this Act, pilotage shall be compulsory within the London district, and the Trinity House outport districts.

(2.) If a master of a ship navigating within those districts, after a qualified pilot has offered to take charge of the ship, or made a signal for the purpose, either himself pilots the ship without possessing a pilotage certificate, or employs or continues to employ an unqualified person to pilot her, he shall for each offence be liable, in addition to any other penalty under this Part of this Act, to a fine not exceeding five pounds for every fifty tons burden of the ship, if the Trinity House certify in writing, under their common seal, that the prosecutor may proceed for the same.

Constant supply of pilots at Dungeness.

623. Subject to any alteration to be made by the Trinity House a sufficient number of qualified pilots shall always be ready to take charge of ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw made under this Part of this Act, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of qualified pilots for those ships, and to insure their constant attendance upon, and due performance of, their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of those means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

624.—(1.) Subject to any alteration to be made by the Trinity House, a master of any ship coming from the westward, and bound to any place in the River Thames or Medway (unless she has a qualified pilot on board, or is exempted from compulsory pilotage), shall on the arrival of the ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep displayed the usual signal for a pilot.

Ships from London coming past Dungeness to take the first pilot.

(2.) If a qualified pilot is within hail, or is approaching, and within half a mile, and has a pilot flag flying in his boat, the master shall, by heaving to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board, and shall give the charge of piloting his ship to that pilot; or if there are two or more qualified pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take charge of the ship.

(3.) If a master fails to comply with the provisions of this section, or any of them, he shall for each offence be liable to a fine not exceeding double the sum which might have been demanded for the pilotage of his ship, and the fine shall be paid to the Trinity House, and be carried to the account of the Trinity House Pilot Fund.

625. The following ships, when not carrying passengers, shall, without prejudice to any general exemption under this Part of this Act, be exempted from compulsory pilotage in the London district, and in the Trinity House outport districts; (that is to say,)

Exemption from compulsory pilotage.

(1.) Ships employed in the coasting trade of the United Kingdom:

(2.) Ships of not more than sixty tons burden:

(3.) Ships trading from any port in Great Britain within the London district or any of the Trinity House outport districts to the port of Brest in France, or any port in Europe north and east of Brest, or to the Channel Islands or Isle of Man:

(4.) Ships trading from the port of Brest, or any port in Europe north and east of Brest, or from the Channel Islands or Isle of Man to any port in Great Britain within the said London or Trinity House outport district:

(5.) Ships navigating within the limits of the port to which they belong.

Rates of Pilotage (Trinity House).

626.—(1.) Subject to any alteration to be made by the Trinity House there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately before the commencement of this Act payable to them in respect of those services.

Rates of pilotage.

(2.) The Trinity House may by byelaw made under this Part of this Act repeal or relax, as to the whole or any part of their district, the provisions of this Part of this Act restricting the demanding, receiving, offering to pay, or payment of any pilotage

rates other than those which may be demanded by law so far as to allow any pilot or class of pilots under their authority to demand or receive, and any master to offer or pay, any rate less than the rate which may be demanded by law.

Pilotage dues for foreign ships for port of London.

627.—(1.) Subject to any alteration to be made by the Trinity House, and notwithstanding anything before contained in this Part of this Act, there shall be paid in respect of all foreign ships trading to and from the port of London, and not exempted from pilotage,—

(*a*) as to ships inwards, the full amount of pilotage dues for the distance piloted; and

(*b*) as to ships outwards, the full amount of dues for the distance required by law.

(2.) Payment of those pilotage dues shall be made to the chief officer of customs in the port of London by the master or other person having the charge of the ship, or by the consignees or agents thereof who have paid or made themselves liable to pay any other charge for the ship in the port of London.

(3.) Pilotage dues under this section may be recovered in the same manner as other pilotage dues are recoverable under this Part of this Act.

Receipt and application of pilotage dues payable by foreign ships.

628.—(1.) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall, on receiving any pilotage dues in respect of foreign ships, give to the person paying the same a receipt in writing; and in the port of London the ship may be detained until the receipt is produced to the proper officer of customs at that port.

(2.) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship; and the Trinity House shall apply the same—

(*a*) in the first place, in paying to any pilot who may bring sufficient proof of his having had the charge of the ship such dues as would have been payable to him for the pilotage service if the ship had been a British ship, after deducting therefrom the poundage due to the Trinity House; and

(*b*) in the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed pilot, had the charge of the ship, such amount as the Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage; and

(*c*) lastly, in paying over to the Trinity House Pilot Fund the residue together with all poundage deducted as aforesaid.

Settlement of differences as to draught of ship.

629.- (1.) Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made in the case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and, in the case of a ship outward bound, before she quits her moorings, appoint some

proper officer to measure the ship, and settle the difference accordingly.

(2.) There shall be paid to the officer who measures the ship, by the party against whom he decides, one guinea if the ship be below, and half a guinea if the ship be above, the entrance of the London Docks at Wapping.

Pilot Fund (Trinity House).

Payments to be made to the Pilot Fund.

630.—(1.) Subject to any alteration to be made by the Trinity House, there shall continue to be paid to the Trinity House, and carried over to the Trinity House Pilot Fund,—

(*a*) a poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House;

(*b*) a sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of that district.

(2.) If a qualified pilot gives a false account of his earnings, or makes default in paying any sum due from him under this section, he shall for each offence be liable to a fine equal to double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

Application of fund.

631. Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be chargeable in the first place with the payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage; and after payment thereof shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October one thousand eight hundred and fifty-three, who are incapacitated for the performance of their duty by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of those incapacitated pilots only.

Appointment of sub-commissioners by Trinity Houses of Hull and Newcastle.

632.—(1.) The corporations of the Trinity Houses in the ports of Kingston-upon-Hull and Newcastle shall appoint sub-commissioners (not being more than seven nor fewer than three) for the examination of pilots in all districts in which they have, before the commencement of this Act, been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district situate within their jurisdiction

(2.) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by either of the said corporations shall not be extended, except with the consent of Her Majesty in Council.

(3.) Sub-commissioners appointed or to be appointed under this section shall not be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act be held to confer upon the commissioners for regulating the pilotage of the

port of Kingston-upon-Hull and of the River Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act.

Saving for Liability of Owners and Masters.

Limitation of liability of owner or masters where pilotage is compulsory.

633. An owner or master of a ship shall not be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of that ship within any district where the employment of a qualified pilot is compulsory by law.

PART XI.

LIGHTHOUSES.

General Management.

Management of lighthouses, buoys, and beacons.

634.—(1.) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, (in this Act referred to as "local lighthouse authorities,") the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—

(*a*.) Throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, and at Gibraltar, in the Trinity House;

(*b*) Throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and

(*c*.) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

and those bodies are in this Act referred to as the general lighthouse authorities and those areas as lighthouse areas.

(2.) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Returns and information to Board of Trade.

635. The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations, or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

Power of Board of Trade to inspect on complaint made.

636.—(1) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorise any persons appointed by them to inspect the same.

(2.) A person so authorised may inspect the same accordingly, and make any inquiries in respect thereof, and of the management

thereof, which he thinks fit; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanations in relation thereto which the person inspecting requires.

637. The Trinity House, and any of their engineers, workmen, and servants, may at all times enter any lighthouse within any of the lighthouse areas for the purpose of viewing their condition or otherwise for the purposes of this Act. Inspection by Trinity House.

Construction of Lighthouses, &c.

638. A general lighthouse authority shall, within their area but subject, in the case of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the restrictions enacted in this Part of this Act, have the following powers (in this Act referred to as lighthouse powers): namely, powers— General powers of lighthouse authorities.

(*a*) to erect or place any lighthouse, with all requisite works, roads, and appurtenances:

(*b*) to add to, alter, or remove any lighthouse:

(*c*) to erect or place any buoy or beacon, or alter or remove any buoy or beacon:

(*d*) to vary the character of any lighthouse or the mode of exhibiting lights therein.

639.—(1.) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers, and for that purpose the Lands Clauses Acts shall be incorporated with this Act and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof. Powers as to land.

(2.) A general lighthouse authority may sell any land belonging to them.

640.—(1.) When the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights propose to exercise any of their lighthouse powers, they shall submit a scheme to the Trinity House specifying the mode in which they propose to exercise the power, and their reasons for wishing to exercise the same, and they shall not exercise any such power until they have so submitted a scheme to the Trinity House and obtained the sanction of the Board of Trade in manner provided by this Act. Restrictions on exercise of lighthouse powers by Commissioners.

(2.) The Trinity House shall take into consideration any scheme so submitted to them, and shall make a report, stating their approval or rejection of the scheme with or without modification, and shall send a copy of the report to the Commissioners by whom the scheme is submitted.

(3.) For the purpose of obtaining the sanction of the Board of Trade to any scheme so submitted to the Trinity House, the Trinity House shall send a copy of the scheme and of their report thereon, and of any communications which have passed with reference thereto between them and the Commissioners by whom the

scheme is submitted, to the Board of Trade, and that Board may give any directions they think fit with reference to the scheme, and may grant or withhold their sanction either wholly or subject to any conditions or modifications they think fit.

(4.) The Commissioners by whom a scheme is submitted may, before a decision on the scheme is given by the Board of Trade, forward either to that Board or to the Trinity House any suggestions or observations with respect to the scheme or the report of the Trinity House thereon, and the Board of Trade in giving any decision on the scheme shall consider those suggestions or observations.

(5.) The decision of the Board of Trade with reference to any scheme shall be communicated by that Board to the Trinity House, and by the Trinity House to the Commissioners by whom the scheme is submitted, and those Commissioners shall act in conformity with the decision.

Power of Trinity House to direct lighthouse works to be done.

641.—(1.) The Trinity House may, with the sanction of the Board of Trade, direct the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights—

(*a*) to continue any lighthouse, buoy, or beacon:

(*b*) to erect or place any lighthouse, buoy, or beacon, or add to, alter, or remove any existing lighthouse, buoy, or beacon:

(*c*) to vary the character of any lighthouse or the mode of exhibiting lights therein:

and the Commissioners shall be bound within a reasonable time to obey any directions so given and sanctioned.

(2.) For the purpose of obtaining the sanction of the Board of Trade to any direction under this section, the Trinity House shall make a written application to the Board of Trade showing fully the work which they propose to direct and their reasons for directing the same, and shall give notice in writing of the application to the Commissioners to whom they propose to give the direction at their principal office in Edinburgh or Dublin, as the case may be.

(3.) Before the Board of Trade decide on any such application an opportunity shall be given to the Commissioners to whom it is proposed to give the direction for making any representation which they may think fit to make with regard to the application to the Board of Trade or the Trinity House.

Additions to lighthouses.

642. Where any improved light, or any siren or any description of fog signal has been added to an existing lighthouse, the light siren or signal may, for the purposes of this Part of this Act, be treated as if it were a separate lighthouse.

Light Dues.

Continuance of light dues

643. Subject to any alterations to be made under the powers contained in this Part of this Act, a general lighthouse authority shall, in respect of any lighthouses, buoys, or beacons which at the commencement of this Act are under their management, continue to levy dues (in this Act called light dues), subject to the same

limitations as to the amount thereof as are in force at the commencement of this Act; and those light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

644. On the completion of any lighthouse, buoy, or beacon, Her Majesty may, by Order in Council, fix dues to be paid in respect thereof in the case of any ship which passes the same, or derives benefit therefrom, and the dues so fixed shall, for the purposes of this Act, be deemed to be light dues. Dues for new lighthouses.

645.—(1.) Her Majesty may, by Order in Council, increase, vary, or reduce any light dues payable in respect of any lighthouse, buoy, or beacon for the time being under the management of a general lighthouse authority. Revision of light dues by Order in Council.

(2.) Provided that the light dues payable in respect of a lighthouse, buoy, or beacon which was existing on the first day of May one thousand eight hundred and fifty-five shall not be made to exceed the amount which at any period previous to that date was received in respect thereof, or to which they might have been raised during any part of that period.

646.—(1.) A general lighthouse authority may, with the consent of Her Majesty given by Order in Council,— Regulation of light dues by lighthouse authorities.

(*a*) exempt any ships or any classes of ships from the payment of light dues receivable by that authority, and annex any terms or conditions to those exemptions;

(*b*) alter the times, places, and modes at and in which the light dues receivable by the authority are payable; and

(*c*) substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to that authority for the time being.

(2.) Nothing in this Act shall affect the provisions of the Shipping Dues Exemption Act, 1867, or any Act amending the same. 30 & 31 Vict. c. 15.

647. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the chief officers of customs at the custom houses of the places at which they are respectively resident. Publication of light dues and regulations.

648.—(1.) All light dues coming into the hands of any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund. Application and collection of light dues.

(2.) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed, whether they are collected on

account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.

(3.) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of light dues received by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

Recovery of light dues.

649.—(1.) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; namely,—

(*a*.) The owner or master; or

(*b*.) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

and those dues may be recovered in the same manner as fines of a like amount under this Act.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Distress on ship for light dues.

650.—(1.) If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.

(2.) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the nonpayment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

Receipt for light dues.

651. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of customs.

Local Lighthouses.

Inspection of local lighthouses.

652.—(1.) It shall be the duty of each of the general lighthouse authorities, or of any persons authorised by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local

lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.

(2.) All officers and others having the care of any such local lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3.) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the general lighthouse authority require.

(4.) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys, and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade; and those reports shall be laid before Parliament.

Control of local lighthouse authorities by general lighthouse authorities.

653.—(1.) A general lighthouse authority may, within their area, with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse, buoy, or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting lights in any lighthouse, buoy, or beacon.

(2.) A local lighthouse authority shall not erect or place any lighthouse, buoy, or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.

(3.) If a local lighthouse authority having power to erect, place, or maintain any lighthouse, buoy, or beacon, at any place within a lighthouse area, fail to do so, or fail to comply with the direction of a general lighthouse authority under this section with respect to any lighthouse, buoy, or beacon, Her Majesty may, on the application of the general lighthouse authority, by Order in Council, transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power of levying dues, to the general lighthouse authority.

(4.) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the lighthouse, buoy, or beacon in respect of which the Order is made, and the dues leviable in respect thereof, shall respectively be subject to the same provisions as those to which a lighthouse, buoy, or beacon provided by that general lighthouse authority under this Part of this Act, and the light dues leviable under this Part of this Act are subject.

(5.) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

Surrender of local lighthouses.

654.—(1.) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated,

and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same.

(2.) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3.) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority,—

(*a*) the lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this Part of this Act; and

(*b*) the general lighthouse authority shall be entitled to receive either the dues which were leviable in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

Light dues for local lights.

655.—(1.) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority, by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse, buoy, or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable.

(2.) Any dues fixed under this section (in this Act referred to as local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this Part of this Act.

(3.) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible, may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

Application of local light dues

656.—(1.) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.

(2.) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues, and shall, once in every year or at such other time as the Board of Trade may determine, send a copy of that account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade requires.

657. A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so), reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons. Reduction of local light dues.

Expenses of General Lighthouse Authorities.

658. The expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons under this Part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services, shall be paid out of the Mercantile Marine Fund. Payment of lighthouse expenses out of Mercantile Marine Fund.

659.—(1.) Her Majesty may by Order in Council fix the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of the Mercantile Marine Fund in respect of those establishments. Establishments of general lighthouse authorities.

(2.) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, Her Majesty may by Order in Council fix the portion of the expense of those establishments to be paid out of the Mercantile Marine Fund.

(3.) An increase of any establishment or part of an establishment fixed under this section shall not be made without the consent of the Board of Trade.

660.—(1.) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall not be paid out of the Mercantile Marine Fund, or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade. Estimates or accounts of expenses sent to Board of Trade.

(2.) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.

(3.) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

661.—(1.) For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with lighthouses, buoys, and beacons, the Treasury may, upon the application of the Board of Trade, advance out of the growing produce of the Consolidated Fund such sums, and upon such terms and at such rate of interest, as they think fit, and pay the same into Advances by Treasury for lighthouse expenses.

the Mercantile Marine Fund, but the total amount due in respect of any such advances shall not at any one time exceed two hundred thousand pounds.

(2.) Where the Treasury advance any sum under this section, that sum and the interest thereon shall be a charge upon the Mercantile Marine Fund, and upon any dues, rates, fees, or other payments payable thereto, and the Board of Trade shall make such provision for the repayment thereof out of that fund either by way of sinking fund or otherwise as the Treasury require.

(3.) A charge under this section for the purpose of an advance by the Treasury shall not prevent the reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund, if the reduction is sanctioned by the Treasury.

Mortgage of Mercantile Marine Fund for lighthouse expenditure.

662.—(1.) The Board of Trade may mortgage the Mercantile Marine Fund and any dues, rates, fees, or other payments payable thereto, or any part thereof, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the services of lighthouses, buoys, and beacons.

(2.) Any mortgage under this section shall be made in such form and executed in such manner as the Board of Trade may direct.

(3.) A person lending money on a mortgage under this section shall not be bound to inquire as to the purpose for which the money is raised or the manner in which it is applied.

Advances by Public Works Loan Commissioners.

663.—(1.) The Public Works Loan Commissioners may, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the service of lighthouses, buoys, and beacons, advance money upon mortgage of the Mercantile Marine Fund, and the several dues, rates, fees, and payments to be carried thereto under this Act, or any of them, or any part thereof, without requiring any further security than that mortgage.

(2.) Notwithstanding anything in this Act, every mortgage so made to the Public Works Loan Commissioners shall be made in accordance with the Acts regulating loans by the Public Works Loan Commissioners.

(3.) An advance by the Public Works Loan Commissioners shall not prevent any lawful reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund if that reduction is assented to by the Public Works Loan Commissioners.

Accounts of general lighthouse authorities.

664. Each of the general lighthouse authorities shall account to the Board of Trade for their receipts from light dues and for their expenditure in respect of expenses paid out of the Mercantile Marine Fund, in such form, and at such times, and with such details, explanations, and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

Power to grant pensions.

665.—(1.) A general lighthouse authority may, with the sanction of the Board of Trade, grant superannuation allowances or compensation to persons whose salaries are paid out of the Mercantile Marine Fund on their discharge or retirement.

(2.) No superannuation allowance or compensation granted under this section to a person shall exceed the proportion of his salary which may be granted to a person in the public civil service under the Acts relating to superannuation allowances or compensation for the time being in force.

Offences in connexion with Lighthouses, &c.

Injury to lighthouses, &c.

666.—(1.) A person shall not wilfully or negligently—

(*a*) injure any lighthouse or the lights exhibited therein, or any buoy or beacon;

(*b*) remove, alter, or destroy any lightship, buoy, or beacon; or

(*c*) ride by, make fast to, or run foul of any light ship or buoy.

(2.) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding fifty pounds.

Prevention of false lights.

667.—(1.) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situate, may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

(2.) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3.) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities he may incur, shall for each offence be liable to a fine not exceeding one hundred pounds.

(4.) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice, the general lighthouse authority may, by their servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

Commissioners of Northern Lighthouses.

Incorporation of Commissioners of Northern Lights.

668.—(1.) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; (that is to say,)

(*a*.) The Lord Advocate and the Solicitor-General for Scotland;

(*b.*) The lords provosts of Edinburgh, Glasgow, and Aberdeen, and the provosts of Inverness and Campbeltown;

(*c.*) The eldest bailies of Edinburgh and Glasgow;

(*d.*) The sheriffs of the counties of the Lothians and Peebles, Lanark, Renfrew and Bute, Argyll, Inverness Elgin and Nairn, Ross Cromarty and Sutherland, Caithness Orkney and Shetland, Aberdeen Kincardine and Banff, Ayr, Fife and Kinross, Dumfries and Galloway; and

(*e.*) Any persons elected under this section.

(2.) The Commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.

(3.) The Commissioners may elect the provost or chief magistrate of any royal or parliamentary burgh on or near any part of the coasts of Scotland and the sheriff of any county abutting on those coasts to be a member of their body.

Provision as to Channel Islands.

Restriction on exercise of powers in Channel Islands.

669.—(1.) The powers of the Trinity House under this Part of this Act with respect to lighthouses, buoys, or beacons already erected or placed, or hereafter to be erected or placed, in the islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, and the prevention of false lights) shall not be exercised without the consent of Her Majesty in Council.

(2.) Dues for any lighthouse, buoy, or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall not be taken in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.

Lighthouses, &c. in Colonies.

Dues for colonial lighthouses, &c.

670.—(1.) Where any lighthouse, buoy, or beacon has, either before or after the passing of this Act, been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession, Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy, or beacon by the owner or master of every ship which passes the same and derives benefit therefrom, as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2.) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown, or by Act or ordinance duly passed, signified its opinion that the dues ought to be levied

Collection and recovery of colonial light

671.—(1.) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this Part of this Act.

(2.) Colonial light dues shall in each British possession be collected by such persons as the governor of that possession may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions so far as circumstances permit, as light dues under this Part of this Act, or by such other means, in such other manner, and subject to such other conditions as the legislature of the possession direct.

Payment of colonial light dues to Paymaster-General.

672. Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct, and shall be applied, paid, and dealt with by him for the purposes authorised by this Act, in such manner as that Board direct.

Application of colonial light dues.

673. Colonial light dues shall, after deducting the expenses of collection, be applied in payment of the expenses incurred in erecting and maintaining the lighthouse, buoy, or beacon in respect of which they are levied, and for no other purpose.

Advances for construction and repair of colonial lighthouses, &c.

674.—(1.) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any lighthouse, buoy, or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

(2.) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament, or by the Public Works Loan Commissioners or by any other persons, but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this Part of this Act.

Accounts of colonial light dues.

675.—(1.) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction, repair, or maintenance of the lighthouse, buoy, or beacon in respect of which those dues are received.

(2.) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament and audited in such manner as may be directed by Order in Council.

PART XII.

MERCANTILE MARINE FUND.

Sums payable to the Mercantile Marine Fund.

676.—(1.) The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund—

(*a*) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act:

(*b*) all fees and other sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of the medical inspection of seamen under the Second Part of this Act:

(*c*) the moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as directed by the Accountant-General of Her Majesty's Navy:

(*d*) any sums recovered by the Board of Trade in respect of expenses incurred in relation to distressed seamen and apprentices under the Second Part of this Act:

(*e*) all fees and other sums payable in respect of any services performed by any person employed under the authority of the Third Part of this Act:

(*f*) all fees paid upon the engagement or discharge of members of the crews of fishing boats when effected before a superintendent:

(*g*) such proceeds of the sale of unclaimed wreck as are directed to be paid thereto during the lifetime of Her present Majesty under the Ninth Part of this Act:

(*h*) any fees received by receivers of wreck under the Ninth Part of this Act:

(*i*) all light dues or other sums received by or accruing to any of the General Lighthouse Authorities under the Eleventh Part of this Act:

(*k*) all costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Acts, 1882 and 1890:

45 & 46 Vict. c. 22. 53 & 54 Vict. c. 35.

(*l*) any sums which under this or any other Act are directed to be paid to the Mercantile Marine Fund.

(2.) All fees mentioned in this section shall be paid at such time and in such manner as the Board of Trade direct.

Application of Mercantile Marine Fund.

677. Subject to the provisions of this Act and to any prior charges that may be subsisting on the Mercantile Marine Fund under any Act of Parliament or otherwise there shall be charged on and payable out of that fund the following expenses so far as they are not paid by any private person:—

(*a*.) The salaries and other expenses connected with local marine boards and mercantile marine offices, and with the examinations conducted under the Second and Fourth Parts of this Act:

(*b*) The salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connexion with the survey and measurement of ships under this Act, and the remuneration of medical inspectors of seamen under the Second Part of this Act:

(*c*.) The salaries and expenses of persons employed under the Third Part of this Act:

(*d*.) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors, officers, or persons:

(*e*.) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared under this Act to be payable as such expenses, and any contributions to seamen's refuges and hospitals:

(*f*) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to

the Mercantile Marine Fund on account of the property of deceased seamen, or on account of the proceeds of wreck:

(*g.*) All expenses of obtaining depositions, reports, and returns respecting wrecks and casualties:

(*h.*) All expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act:

(*i.*) All expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services:

(*k.*) Any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames:

(*l.*) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade direct:

(*m.*) Such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establishment of, or alterations in, foreign lighthouses, buoys, and beacons to owners, and masters of, and other persons interested in, British ships:

(*n.*) All costs and expenses incurred by the Board of Trade under the Boiler Explosions Acts, 1882 and 1890 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of the Boiler Explosions Act, 1882, and any costs and expenses ordered by the court in pursuance of these Acts to be paid by the Board of Trade: 45 & 46 Vict. c. 22. 53 & 54 Vict. c. 35.

(*o.*) Any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament.

Subsidy from Parliament to Mercantile Marine Fund.

678. There shall be paid to the Mercantile Marine Fund out of moneys provided by Parliament such sum in each year as may be determined by the Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under this Act.

Accounts and audit.

679.—(1.) The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly. 29 & 30 Vict. c. 39.

(2.) The Board of Trade shall as soon as may be after the meeting of Parliament in every year cause the accounts of the Mercantile Marine Fund for the preceding year to be laid before both Houses of Parliament.

PART XIII.

LEGAL PROCEEDINGS.

Prosecution of Offences.

Prosecution of offences.

680.—(1.) Subject to any special provisions of this Act and to the provisions herein-after contained with respect to Scotland,—

(*a*) an offence under this Act declared to be a misdemeanor, shall be punishable by fine or by imprisonment not exceeding two years, with or without hard labour, but may, instead of being prosecuted as a misdemeanor, be prosecuted summarily in manner provided by the Summary Jurisdiction Acts, and if so prosecuted shall be punishable only with imprisonment for a term not exceeding six months, with or without hard labour, or with a fine not exceeding one hundred pounds,

(*b*) an offence under this Act made punishable with imprisonment for any term not exceeding six months, with or without hard labour, or by a fine not exceeding one hundred pounds, shall be prosecuted summarily in manner provided by the Summary Jurisdiction Acts.

(2.) Any offence committed or fine recoverable under a byelaw made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act.

Application of Summary Jurisdiction Acts in certain cases.

681.—(1.) The Summary Jurisdiction Acts shall, so far as applicable, apply—

(*a*) to any proceeding under this Act before a court of summary jurisdiction, whether connected with an offence punishable on summary conviction or not; and

(*b*) to the trial of any case before one justice of the peace, where, under this Act, such a justice may try the case.

(2.) Where under this Act any sum may be recovered as a fine under this Act, that sum, if recoverable before a court of summary jurisdiction, shall, in England, be recovered as a civil debt in manner provided by the Summary Jurisdiction Acts.

Appeal on summary conviction.

682. Where a person is convicted summarily in England of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds five pounds in amount, that person may appeal to quarter sessions against the conviction in manner provided by the Summary Jurisdiction Acts.

Limitation of time for summary proceedings.

683.—(1.) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of the United Kingdom, unless the same is commenced, in the case of a summary conviction within two months, and in the case of a summary order within six months, after they both

first happen to arrive, or to be at one time, within the United Kingdom.

(2.) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced in the case of a summary conviction within two months, and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within that jurisdiction.

(3.) No law for the time being in force under any Act, ordinance, or otherwise, which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

(4.) Nothing in this section shall affect any proceeding to which the Public Authorities Protection Act, 1893, applies. 56 & 57 Vict. c. 61.

Jurisdiction.

684. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be. Provision as to jurisdiction in case of offences.

685.—(1.) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate, shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate. Jurisdiction over ships lying off the coasts.

(2.) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

686.—(1.) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed Jurisdiction in case of offences on board ship.

on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

12 & 13 Vict. c. 96.

(2.) Nothing in this section shall affect the Admiralty Offences (Colonial) Act, 1849.

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.

687. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Damage occasioned by Foreign Ship.

Power to arrest foreign ship that has occasioned damage.

688.—(1.) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by the judge, court, or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2.) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3.) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant or

defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge, court, or sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.

Provisions in case of Offences Abroad.

Conveyance of offenders and witnesses to United Kingdom or British possession.

689.—(1.) Whenever any complaint is made to any British consular officer—

(*a*) that any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence was committed, or within three months before that time, was employed in any British ship; or

(*b*) that any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any British ship,

that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of Her subjects, to be there proceeded against according to law.

(2.) The consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of that tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade require.

(3.) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Kingdom or in such British possession as aforesaid, give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

(4.) If any master of a ship, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5.) The expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

Inquiry into cause of death on board ship.

690.—(1.) Where a case of death happens on board any foreign-going British ship, the superintendent at the port where the crew of the ship is discharged, shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry.

(2.) A superintendent shall for the purpose of an inquiry under this section have the powers of a Board of Trade inspector under this Act; and if in the course of any such inquiry it appears to a superintendent that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

(3.) This section shall not apply—

(*a*) except in Scotland, to fishing boats, nor

(*b*) to ships registered in a British possession when those ships are within the jurisdiction of the government of that possession; nor

(*c*) to pleasure yachts, or ships belonging to any of the three general lighthouse authorities.

Depositions to be received in evidence when witness cannot be produced.

691.—(1.) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom that the witness cannot be found in that kingdom, or if in any British possession that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, provided that—

(*a*) if the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom; and

(*b*) if the deposition was made in any British possession, it shall not be admissible in any proceeding instituted in that British possession; and

(*c*) if the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.

(2.) A deposition so made shall be authenticated by the signature of the judge, magistrate, or consular officer before whom it is made; and the judge, magistrate, or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

(3.) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

(4.) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards that colony, or interfere with the power of any colonial legislature to make those depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Detention of Ship and Distress on Ship.

Enforcing detention of ship.

692.—(1.) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade, or any officer of customs, or any British consular officer may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable for each offence to a fine not exceeding one hundred pounds.

(2.) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or any officer of customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also to a fine not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

(3.) Where under this Act a ship is to be detained an officer of customs shall, and where under this Act a ship may be detained an officer of customs may, refuse to clear that ship outwards or to grant a transire to that ship.

(4.) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of customs, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such ship.

Sums ordered to be paid leviable by distress on ship.

693. Where any court, justice of the peace, or other magistrate, has power to make an order directing payment to be made of any seaman's wages, fines, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice of the peace, or magistrate who made the

order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the ship, her tackle, furniture, and apparel.

Evidence, Service of Documents, and Declarations.

Proof of attestation not required.

694. Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

Admissibility of documents in evidence.

695.—(1.) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2.) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding fourpence for every folio of ninety words, but a person shall be entitled to have—

(*a*) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being; and

(*b*) a certified copy of any declaration, or document, a copy of which is made evidence by this Act,

on payment of one shilling for each copy.

(3.) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor, and be liable on conviction to imprisonment for any term not exceeding eighteen months.

(4.) If any person forges the seal, stamp, or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall for each offence be guilty of felony, and be liable to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour, and whenever any such document has been admitted in evidence, the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, for such period or subject to such conditions as the court or person thinks fit.

696.—(1.) Where for the purposes of this Act any document is to be served on any person, that document may be served— Service of documents.

(*a*) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode; and,

(*b*) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and,

(*c*) if the document is to be served on the master of a ship, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

(2.) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall for each offence be liable to a fine not exceeding ten pounds, and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of a misdemeanor.

697. Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under this Act, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. Proof, &c. of exemption.

698. Any declaration required by this Act to be taken before a justice of the peace or any particular officer may be taken before a commissioner for oaths. Declarations.

Application of Penalties and Costs of Prosecutions.

699.—(1.) Where any court, justice of the peace, or other magistrate, imposes a fine under this Act for which no specific application is herein provided, that court, justice of the peace, or magistrate, may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings. Application of penalties.

(2.) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

(*a*) if recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund, and

(*b*) if recovered in any British possession, be paid over into the public treasury of that possession, and form part of the public revenue thereof.

Expenses of prosecution of misdemeanor.

700. Where an offence under this Act is prosecuted as a misdemeanor, the court before whom the offence is prosecuted may in England make the same allowances and order payment of the same costs and expenses as if the offence were a felony, and in any other part of Her Majesty's dominions may make such allowances and order payment of such costs and expenses as are payable or allowable upon the trial of any misdemeanor or under any law for the time being in force therein.

Payment of costs of prosecution of offences committed in Admiralty jurisdiction.

701. Such costs and expenses of and incidental to any prosecution for a felony or misdemeanor as are by law payable out of any county or other local rate shall, where the felony or misdemeanor has been committed within the jurisdiction of the Admiralty of England be paid in the same manner and subject to the same regulations as if the felony or misdemeanor had been committed in the county in which the same is heard and determined, or, where the same is heard and determined at the Central Criminal Court, as if the same had been committed in the county of London, and all sums properly paid out of any county or other local rate in respect of those costs and expenses shall be repaid out of money provided by Parliament.

Procedure in Scotland.

Offences punishable as misdemeanors.

702. In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment with or without hard labour in default of payment, or with imprisonment with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Summary proceedings.

703. In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for fines or penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of complaint.

704. Where in any summary proceedings under this Act in Scotland any complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

Warrants on summary proceedings.

705. On any summary proceedings in Scotland the deliverance of the sheriff clerk or clerk of the peace shall contain warrant to arrest upon the dependence in common form, where that warrant

has been prayed for in the complaint or other proceeding: Provided always, that where the apprehension of any party, with or without a warrant, is authorised by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciæ shall in such case be necessary.

706. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being endorsed by the sheriff clerk, or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed. Backing arrestments.

707. Where on any summary proceedings in Scotland there is a decree for payment of any sum of money against a defender, the decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment. Form of decree for payment of money.

708. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it. Sentence and penalties in default of defender's appearance.

709. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence. Orders not to be quashed for want of form and to be final.

710. Nothing in this Act shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the General rules, so far as applicable, to extend to

penalties and proceedings in Scotland.

Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Prosecution of Offences in Colonies.

Prosecution of offences in British possession.

711. Any offence under this Act shall, in any British possession, be punishable by any court or magistrate by whom an offence of a like character is ordinarily punishable, or in such other manner as may be determined by any Act or ordinance having the force of law in that possession.

Application of Part XIII.

Application of Part XIII.

712. This Part of this Act shall, except where otherwise provided, apply to the whole of Her Majesty's dominions.

PART XIV.

SUPPLEMENTAL.

General Control of Board of Trade.

Superintendence of merchant shipping by Board of Trade.

713. The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those Acts, or except so far as those Acts relate to the revenue.

Returns as to merchant shipping to Board of Tra

714. All consular officers and officers of customs abroad, and all local marine boards and superintendents, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require.

Production of log-books, &c. by superintendents.

715. All superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all official log-books and other documents which are delivered to them under this Act.

Application of fees, fines, &c.

716.—(1.) All fees and other sums (other than fines) received by the Board of Trade under the Second, Fourth, and Fifth Parts of this Act shall be carried to the account of the Mercantile Marine Fund.

(2.) All fines coming into the hands of the Board of Trade under this Act shall be paid into the Exchequer as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund.

Legal proceedings.

717. The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Expenses of Commissioners of Customs.

718. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the Revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund.

Expenses incurred by Commissioners of Customs.

Documents and Forms.

719. All documents purporting to be made, issued, or written by or under the direction of the Board of Trade, and to be sealed with the seal of the Board, or to be signed by their secretary or one of their assistant secretaries, or, if a certificate, by one of the officers of the Marine Department, shall be admissible in evidence in manner provided by this Act.

Proof of documents.

720.—(1.) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit.

Power of Board of Trade to prescribe forms.

(2.) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.

(3.) The Board of Trade shall cause all such forms to be supplied at all custom houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate prices as the Board may fix, or the Board may license any persons to print and sell the forms.

(4.) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

(5.) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

721. The following instruments shall be exempt from stamp duty:—

Exemption from stamp duty.

(*a.*) Any instruments used for carrying into effect the First Part of this Act, and

(*b.*) Any instruments used by or under the direction of the Board of Trade in carrying into effect the Second, Fifth, Eleventh, and Twelfth Parts of this Act; and

(*c.*) Any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

Offences as to use of forms.

722.—(1.) If any person—

(*a*) forges, assists in forging, or procures to be forged, the seal or any other distinguishing mark of the Board of Trade on any form issued by the Board of Trade under this Act; or

(*b*) fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form,

that person shall in respect of each offence be guilty of a misdemeanor.

(2.) If any person—

(*a*) when a form approved by the Board is, under the Second Part of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved; or

(*b*) prints, sells, or uses any document purporting to be a form approved by the Board of Trade, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Board of Trade,

that person shall, for each offence, be liable to a fine not exceeding ten pounds.

Powers for enforcing Compliance with Act.

Powers for seeing that Act is complied with.

723.—(1.) Where any of the following officers; namely,—

any officer of the Board of Trade,

any commissioned officer of any of Her Majesty's ships on full pay,

any British consular officer,

the Registrar-General of Shipping and Seamen or his assistant,

any chief officer of customs in any place in Her Majesty's dominions, or

any superintendent,

has reason to suspect that the provisions of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—

(*a*) require the owner, master, or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;

(*b*) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books, or documents, or of any part thereof;

(*c*) muster the crew of any such ship; and

(*d*) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

(2.) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall for each offence be liable to a fine not exceeding twenty pounds.

Surveyors of Ships.

724.—(1.) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a shipwright surveyor or as an engineer surveyor or as both. Appointment of surveyors.

(2.) The Board of Trade may also appoint a surveyor-general of ships for the United Kingdom.

(3.) The Board of Trade may remove any surveyors of ships and fix and alter their remuneration, and may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made, as to the notice to be given by them when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by them in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(4.) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration, or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5.) The duties of a surveyor of ships shall be performed under the direction of the Board of Trade, and in accordance with the regulations made by that Board.

725.—(1.) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of any accident to the ship or for any other reason they consider it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof. Power of surveyor for purpose of survey of ships.

(2.) If any person hinders any surveyor of ships from going on board any steamship or otherwise impedes him in the execution of his duties under this Act, that person shall for each offence be liable to a fine not exceeding five pounds.

726.—(1.) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them. Returns by surveyors to Board of Trade.

(2.) The owner, master, and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3.) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding five pounds.

Appointment of surveyors in colonies.

727. The governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession.

Board of Trade Inspectors.

Appointment of inspectors to report on accidents, &c.

728. The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

(*a*) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or

(*b*) whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with; or

(*c*) whether the hull and machinery of any steamship are sufficient and in good condition.

Powers of inspectors.

729.—(1.) An inspector so appointed (in this Act referred to as a Board of Trade inspector) and any person having the powers of a Board of Trade inspector—

(*a*) may go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage; and

(*b*) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make; and

(*c*) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make; and

(*d*) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and

(*e*) may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(2.) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpœna to give evidence before any court of record, or if in Scotland to a witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the inspector or

person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3.) If any person refuses to attend as a witness before a Board of Trade inspector or before any person having the powers of a Board of Trade inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an inspector or person having the powers of an inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for obstructing inspectors in the execution of their duty.

730. If any person wilfully impedes a Board of Trade inspector or any person having the powers of a Board of Trade inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the inspector or person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance, until he can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

Exemption from Rates and Harbour Dues.

Exemption from rates.

731. All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the Mercantile Marine Fund, and all premises or property belonging to or occupied by any of the general lighthouse authorities or by the Board of Trade, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities or of the Board of Trade in carrying on those services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

Exemption from harbour dues.

732. All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom without payment of any tolls, dues, or rates of any kind.

Private Signals.

Registration of private code of signals.

733.—(1.) If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals with the Board of Trade, and that Board shall give public notice of the signals so registered in such manner as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots.

(2.) The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

(3.) Where a signal has been registered under this section, the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any fine or liability under this Act for using or displaying signals improperly.

Application of Act to Foreign Ships by Order in Council.

Application by Order in Council of provisions of Merchant Shipping Acts to foreign ships.

734. Where it has been made to appear to Her Majesty that the government of any foreign country is desirous that any of the provisions of this Act, or of any Act hereafter to be passed amending the same, which do not apply to the ships of that country, should so apply and there are no special provisions in this Act for that application, Her Majesty in Council may order that such of those provisions as are in the Order specified shall (subject to the limitations, if any, contained therein) apply to the ships of that country, and to the owners, masters, seamen, and apprentices of those ships, when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were British ships.

Powers of Colonial Legislature.

Power of colonial legislatures to alter provisions of Act.

735.—(1.) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.

(2.) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

Regulation of coasting trade by colonial legislature.

736. The legislature of a British possession, may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:—

(*a.*) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:

(*b.*) The Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made:

32 & 33 Vict. c. 11.

(*c.*) Where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the

thirteenth day of May eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Provision for Foreign Places where Her Majesty has Jurisdiction.

737. Where under this Act anything is authorised to be done by to or before a British consular officer, and in any place outside Her Majesty's dominions in which Her Majesty has jurisdiction there is no such officer, such thing may be done in that place by to or before such officer as Her Majesty in Council may direct.

Provision for foreign places where Her Majesty has jurisdiction.

Orders in Council.

738.—(1.) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke alter or add to any Order so made.

Provision as to Orders in Council.

(2.) Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

(3.) Subject to any special provisions of this Act, upon the publication of any such Order the Order shall, as from the date of the publication or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Transmission and Publication of Documents.

739.—(1.) Where by this Act any notice, authority, order, direction, or other communication is required or authorised to be given or made by the Board of Trade, or the Commissioners of Customs, or the governor of a British possession, to any person not being an officer of such Board, or Commissioners, or governor, the same shall be given or made in writing.

Notices, &c. to be in writing and provision as to sending by post.

(2.) Where any notice or document is by this Act required or authorised to be transmitted or sent, the same may be transmitted or sent by post.

740. Where a document is required by this Act to be published in the London Gazette, it shall be sufficient if notice thereof is published in accordance with the Rules Publication Act, 1893.

Publication in London Gazette. 56 & 57 Vict. c. 66.

Exemption of Her Majesty's Ships.

741. This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Exemption of Her Majesty's ships.

Definitions and Provisions as to Application of Act.

Definitions.

742. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them; (that is to say,)

"VESSEL" includes any ship or boat, or any other description of vessel used in navigation;

"SHIP" includes every description of vessel used in navigation not propelled by oars;

"FOREIGN-GOING SHIP" includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

"HOME TRADE SHIP" includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

"HOME TRADE PASSENGER SHIP" means every home trade ship employed in carrying passengers;

"MASTER" includes every person (except a pilot) having command or charge of any ship;

"SEAMAN" includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

"WAGES" includes emoluments;

"EFFECTS" includes clothes and documents;

"SALVOR" means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

"PILOT" means any person not belonging to a ship who has the conduct thereof;

"COURT" in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates;

"COLONIAL COURT OF ADMIRALTY" has the same meaning as in the Colonial Courts of Admiralty Act, 1890;

53 & 54 Vict. c. 27.

"A COMMISSIONER FOR OATHS" means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889;

52 & 53 Vict. c. 10.

"CHIEF OFFICER OF CUSTOMS" includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port;

"SUPERINTENDENT" shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

"CONSULAR OFFICER," when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

"BANKRUPTCY" includes insolvency;

"REPRESENTATION" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

"LEGAL PERSONAL REPRESENTATIVE" means the person so constituted executor, administrator, or other representative, of a deceased person;

"NAME" includes a surname;

"PORT" includes place;

"HARBOUR" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

"TIDAL WATER" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

"HARBOUR AUTHORITY" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with, the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

"CONSERVANCY AUTHORITY" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

"LIGHTHOUSE" shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;

"BUOYS AND BEACONS" includes all other marks and signs of the sea;

"THE TRINITY HOUSE" shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

"THE COMMISSIONERS OF IRISH LIGHTS" means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter eighty-one, intituled "An Act to "alter the constitution of the Corporation for preserving "and improving the Port of Dublin and for other purposes "connected with that body and with the Port of Dublin "Corporation," and any Act amending the same;

"LIFEBOAT SERVICE" means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Application of Act to ships propelled by electricity, &c.

743. Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

Application of Act to certain fishing vessels.

744. Ships engaged in the whale, seal, walrus, or Newfoundland cod fisheries shall be deemed to be foreign-going ships for the purpose of this Act, and not fishing boats, with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland.

Repeal and Savings.

Repeal.

745.—(1.) The Acts mentioned in the Twenty-second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that—

(*a.*) Any Order in Council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;

(*b.*) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

(*c.*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;

(*d.*) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;

17 & 18 Vict. c. 120.

(*e.*) Ships registered under the Merchant Shipping Act, 1854, and the Acts amending the same, or duly registered before the passing of the Merchant Shipping Act, 1854, shall be deemed to have been registered under this Act;

57 & 58 Vict. c. 2.

(*f.*) Nothing in this Act shall affect the Behring Sea Award Act, 1894, and that Act shall have effect as if this Act had not passed.

(2.) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

(3.) The tonnage of every ship not measured or remeasured in accordance with the Merchant Shipping Tonnage Act, 1889, shall

52 & 53 Vict. c. 43.

be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act, 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

746.—(1.) Nothing in this Act shall affect the Chinese Passengers Act, 1855. Savings. 18 & 19 Vict. c. 104.

(2.) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act

(3.) Nothing in this Act shall affect the rating of any seaman who was rated and served as A.B. before the second day of August one thousand eight hundred and eighty.

Short Title and Commencement.

747. This Act may be cited as the Merchant Shipping Act, 1894. Short title.

748. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five. Commencement.

SCHEDULES.

FIRST SCHEDULE.

PART I.

[*The Forms in this Part of the Schedule are subject to alteration from time to time by the Commissioners of Customs, with the consent of the Board of Trade.*]

FORM A.—BILL OF SALE. Sections 24, 31, 37, 65.

Official No.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any).

Whether British or Foreign built.	Whether a Sailing or Steam Ship; and if a Steam Ship how propelled.	Where built.	When built.	Name and Address of Builders.

			Feet.	Tenths.
No. of Decks No. of Masts Rigged - - Stern - - Build - - Galleries -	Head - - - Framework and description of vessel - - No. of Bulkheads No. of water ballast tanks and their capacity in tons - -	Length from fore part of Stem, under the bowsprit, to the aft side of the Head of the Stern-post - - - - Length at quarter of depth from top of weather deck at side amidships to bottom of keel - - - - Mainbreadth to outside of Plank - - Depth in Hold from Tonnage Deck to Ceiling at Midships - - - Depth in Hold from Upper Deck to Ceiling at Midships in the case of three Decks and upwards - - - - Depth from top of Beam amidships to top of Keel - - - - Depth from top of Deck at side amidships to bottom of Keel - - - Round of Beam - - - Length of Engine Room, if any - -		

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel - tons.	Ditto per inch immersion at same depth - - - - - - tons.

PARTICULARS OF ENGINES (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N. H. P., I. H. P., Speed of Ship
	Engines.		Engines	Engines.			
	Boilers. Number - - - Iron or Steel - - Pressure when loaded		Boilers.	Boilers.			

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No of Tons.	DEDUCTIONS ALLOWED.		No. of Tons.
Under Tonnage Deck - - - Closed in Spaces above the Tonnage Deck, if any: Space or Spaces between Deck - Poop - - - - Forecastle - - - Round house - - - Other closed-in Spaces, Spaces for Machinery, Light and Air, if any - - - -		On account of Space required for Propelling Power - - - - On account of Spaces occupied by Seamen or Apprentices, and appropriated to their use, and certified under the regulations scheduled to this Act. These Spaces are the following, viz.: On account of space used exclusively for accommodation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswains stores, and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails - - - - -	Cubic Metres	
Gross Tonnage - - Deductions as per Contra -				
Registered Tonnage -			Total Deductions -	

* "I" or "we."
† "Me" or "us."
‡ "I" or "we."
§ "Myself and my" or "ourselves and our."
‖ "His," "her," or "their."
¶ "I" or "we."
** If there be any subsisting Mortgage, or outstanding Certificate of Mortgage, add "save as appears by the Registry of the said Ship."

NOTE.—A Purchaser of a Registered British Vessel does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the Ship, and neglect of this precaution may entail serious consequences.

in consideration of the sum of _____ paid to† _____ by _____ the receipt whereof is hereby acknowledged, transfer _____ shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said _____.

Further‡ _____ the said _____ for§ _____ heirs covenant with the said _____ and‖ _____ assigns, that¶ _____ have power to transfer in manner aforesaid the premises herein-before expressed to be transferred, and that the same are free from incumbrances** _____

In witness whereof _____ ha _____ hereunto subscribed _____ name _____ and affixed _____ seal this _____ day of _____, One thousand eight hundred and _____

Executed by the above-named _____
in the presence of _____

FORM B.—MORTGAGE.

[*Insert description of ship and particulars as in Bill of Sale.*]

i. TO SECURE PRINCIPAL SUM AND INTEREST.

(a)_____ the undersigned_____ in consideration of_____ this day lent to (b)_____ by_____ do hereby for (c)_____ and (d)_____ heirs, covenant with the said _____ firstly That (a)_____ or (d)_____ heirs, executors, or administrators, will pay to the said _____ the said sum of_____ together with interest thereon at the rate of per cent. per annum on the_____ day of_____ next; and secondly, that if the said principal sum is not paid on the said day (a) _____ or (d)_____ heirs, executors, or administrators, will, during such time as the same or any part thereof remains unpaid, pay to the said_____ interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of_____ per cent. per annum, by equal half-yearly payments on the_____ day of_____ and _____ day of_____ in every year; and for better securing to the said_____ the repayment in manner aforesaid of the said principal sum and interest (a) _____ hereby mortgage to the said_____ shares, of which (e) _____ the Owner _____ in the Ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances. Lastly, (a)_____ for (c) _____ and (d)_____ heirs, covenant with the said_____ and _____ assigns that (a)_____ ha_____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g)_____.

In witness whereof (a)_____ ha_____ hereto subscribed (d) _____ name_____ and affixed (d)_____ seal this _____ day of_____ One thousand eight hundred and _____.

Executed by the above-named_____ }
in the presence of_____ }

(a) "I" or "we."
(b) "Me" or "us."
(c) "Myself" or "ourselves."
(d) "My" or "our."
(e) "I am" or "we are."
(f) Insert the day fixed for payment of principal as above.
(g) If any prior incumbrance add, "save "as appears by the "Registry of the said "Ship."

NOTE.—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

ii. TO SECURE ACCOUNT CURRENT, &c.

Whereas (a)_____.

Now (b) _____ the undersigned_____ in consideration of the premises for (c)_____ and (d) _____ heirs, covenant with the said_____ and (e) _____ assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said _____ the payment of such sums as last aforesaid, (b) _____ do hereby mortgage to the said _____ shares, of which (f) _____ the Owner_____ in the Ship above particularly described, and in her boats, guns, ammunitions, small arms, and appurtenances.

Lastly, (b)_____ for (c)_____ and (d)_____ heirs, covenant with the said _____ and (e) _____ assigns that (b) _____ ha_____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g) _____

(a) Here state by way of recital that there is an account current between the Mortgagor (describing him) and the Mortgagee (describing him); and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.
(b) "I" or "we."
(c) "Myself" or "ourselves."
(d) "My" or "our."
(e) "His" or "their."
(f) "I am" or "we are."
(g) If any prior incumbrance add, "save "as appears by the "Registry of the said "Ship."

NOTE.—The prompt registration of a Mortgage Deed at the Port

of Registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

(a) "I" or "we."

(b) "My" or "our."

In witness whereof (a)_____ ha_____ hereto subscribed (b)_____ name_____ and affixed (b)_____ seal_____ this_____ day of_____ One thousand eight hundred and _____.

Executed by the above-named_____ }
in the presence of _____ }

FORM C.—TRANSFER OF MORTGAGE.

[*To be indorsed on the original mortgage*]

(a) "I" or "we."

(b) "Me" or "us."

(c) "Him" or "them."

(d) "I" or "we."

(e) "My" or "our."

(a)_____ the within-mentioned_____ in consideration of_____ _____ this day paid to (b)_____ by_____ hereby transfer to (c)_____ the benefit of the within written security. In witness whereof (d)_____ ha_____ hereunto subscribed (e)_____ name_____ and affixed (e)_____ seal_____, this_____ day of _____ One thousand eight hundred and _____.

Executed by the above-named_____ }
in the presence of _____ }

PART II.

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.
Declaration of ownership by individual owner.
Declaration of ownership on behalf of a corporation as owner.
Certificate of registry.
Provisional certificate.
Declaration of ownership by individual transferee.
Declaration of ownership on behalf of a corporation as transferee.
Declaration of owner taking by transmission.
Declaration by mortgagee taking by transmission.
Certificate of mortgage.
Certificate of sale.
Revocation of certificate of sale or mortgage.

SECOND SCHEDULE.

Measurement of Tonnage.

Sections 77, 78, 81, 85

RULE I.

Rule I.

Measurement of ships to be registered and other ships of which the hold is clear.

Lengths.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length

so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs.

TABLE.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

Class 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

Class 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

Class 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

Class 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts:

Transverse areas.

(2.) Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of the ship at each point of division of the length as follows:—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below the tonnage deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast); then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (i.e., numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage under the tonnage deck in the following manner:—Number the areas respectively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit at the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply

the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship subject to any additions and deductions under this Act.

In case of decks above the tonnage deck.

(4.) If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, &c.. commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid. If the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deck house, forecastle, and any other closed-in space.

(5.) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained as follows:—Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of the space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage under the tonnage deck ascertained as aforesaid. Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

RULE II.

Measurement of ships not requiring registry with cargo on board and ships which cannot

Rule II.

(1.) Measure the length on the uppermost deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside

of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid; then multiply this product by the factor ·0018 (eighteen ten-thousandths) in the case of ships built of wood, and ·0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to any additions and deductions under this Act.

be measured under Rule 1. Length. Breadth. Girting of the ship.

(2) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100 and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deck house, forecastle, and other closed-in spaces on upper deck.

Rule III.

RULE III.

(i.) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length; take the mean of those breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth, and depth, divide the product by 100 and the result shall be deemed the tonnage of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall (subject to the provisions hereinafter contained) be deemed to be the tonnage of the space.

Measurement of allowance for engine room space in steamships.

(ii.) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

(iii.) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100.

(iv.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until remeasurement.

Rule IV.

RULE IV.

IV. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

Measurement of open ships.

THIRD SCHEDULE.

Section 83. TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS.

	£	s.	d.
For a ship under 50 tons register tonnage - - -	1	0	0
" from 50 to 100 tons " - - -	1	10	0
" " 100 to 200 " " - - -	2	0	0
" " 200 to 500 " " - - -	3	0	0
" " 500 to 800 " " - - -	4	0	0
" " 800 to 1,200 " " - - -	5	0	0
" " 1,200 to 2,000 " " - - -	6	0	0
" " 2,000 to 3,000 " " - - -	7	0	0
" " 3,000 to 4,000 " " - - -	8	0	0
" " 4,000 to 5,000 " " - - -	9	0	0
" " 5,000 and upwards " - - -	10	0	0

FOURTH SCHEDULE.

Section 97. TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION.

For Certificates as Masters and Mates.

	£	s.	d.
Certificate as Master - - - - -	2	0	0
Certificate as Mate - - - - -	1	0	0

For Certificates as Engineers.

	£	s.	d.
Certificate as first-class engineer - - -	2	0	0
Certificate as second-class engineer - - -	1	0	0

FIFTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ANTI-SCORBUTICS.

Furnishing of Anti-Scorbutics.

Section 200. (1.) The anti-scorbutics to be furnished shall be lime or lemon juice, or such other anti-scorbutics (if any) of such quality, and composed of such materials, and packed and kept in such manner as Her Majesty by Order in Council may direct.

(2.) No lime or lemon juice shall be deemed fit and proper to be taken on board ship, for the use of the crew or passengers thereof, unless it has been obtained from a bonded warehouse for and to be shipped as stores.

(3.) Lime or lemon juice shall not be so obtained or delivered from a warehouse as aforesaid, unless—

(*a*) it is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, the certificate to be given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse; and

(*b*) it contains fifteen per cent. of proper and palatable proof spirit, to be approved by the inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof; and

(*c*) it is packed in such bottles at such time and in such manner and is labelled in such manner as the Commissioners of Customs may direct.

(4.) If the lime or lemon juice is deposited in a bonded warehouse, and has been approved as aforesaid by the inspector, the spirit, or the amount of spirit necessary to make up fifteen per cent., may be added in the warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(5.) The lime or lemon juice with which a ship is required by this Act to be provided shall be taken from the warehouse duly labelled as aforesaid, and the labels shall remain intact until twenty-four hours at least after the ship has left her port of departure on her foreign voyage.

Serving out of Anti-Scorbutics.

(6.) The lime or lemon juice shall be served out with sugar (the sugar to be in addition to any sugar required by the agreement with the crew).

(7.) The anti-scorbutics shall be served out to the crew so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions.

(8.) The lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out.

(9.) The other anti-scorbutics, if any, provided in pursuance of an Order in Council shall be served out at such times and in such quantities as the Order in Council directs.

SIXTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ACCOMMODATION ON BOARD SHIPS.

(1.) Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the Second Part of this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water. Sections 79, 210.

(2.) A place so occupied and appropriated as aforesaid shall not authorise a deduction from registered tonnage under the tonnage regulations of this Act unless there be in the ship properly constructed privies for the use of the crew, of such number and of such construction as may be approved by the surveyor of ships.

(3.) Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and if the certificate is obtained, but not otherwise, the space shall be deducted from the register tonnage.

(4.) No deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the

doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(5.) Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the chief officer of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it be certified by the surveyor, or by some other surveyor of ships, that the provisions of this Act in respect of the place are fully complied with.

Maximum Fees for Inspection.

(6.) The fee for each visit to the ship shall not exceed ten shillings.

(7.) The aggregate amount of the fees for any such inspection shall not exceed one pound, whatever be the number of separate visits.

(8.) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.

SEVENTH SCHEDULE.

CONSTITUTION OF LOCAL MARINE BOARDS.

Elections.

Constitution of local marine board.
Section 244.

1. A local marine board shall consist of the following members; viz.,—

(*a.*) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint:

(*b.*) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof:

(*c.*) Six members elected by the owners of such foreign-going ships and home trade passenger ships as are registered at the port.

2. The election shall be held on the twenty-fifth day of January one thousand eight hundred and ninety-six, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

3. Upon the conclusion of that month and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

4. A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new board.

5. The mayor or provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days notice thereof

6. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

7. Owners of foreign-going ships and of home trade passenger ships registered at the port shall have votes at the election as follows; namely,—

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8. The qualification of electors shall be ascertained as follows:—

(*a.*) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(*b.*) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(*c.*) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by the joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of the tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register:

(*d.*) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount:

(*e.*) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and if sufficient, shall constitute his qualification.

9. The chief officer of customs in the port shall, with the assistance of the Registrar-General of Shipping and Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and ninety-five, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the name and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list, and permit the same to be perused by any person, without payment, at all reasonable hours during those two weeks.

10. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January one thousand eight hundred and ninety-six, and in each succeeding third year, nominate two justices of the peace (in this schedule referred to as the revisors) to revise the list.

11. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said chief officer.

12. The revisors shall give three clear days notice of the revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

13. The revisors shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar-General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

19. The revisors shall certify the expenses properly incurred by the chief officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

Qualification of Members.

21. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

Application to Corporations.

22. A corporation owning a ship shall be entitled to be registered in like manner as any individual, with the substitution of the office of the corporation for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member, and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter, that person shall cease to be a member and another member shall be elected in his place.

EIGHTH SCHEDULE.

Particulars to be registered by Master of a Ship concerning a Birth at Sea.

Section 254.

Date of birth.
Name (if any) and sex of the child.
Name and surname, rank, profession, or occupation of the father.
Name and surname, and maiden surname of the mother.
Nationality and last place of abode of the father and mother.

Particulars to be registered by Master of a Ship concerning a Death at Sea.

Date of death.
Name and surname.
Sex.
Age.
Rank, profession, or occupation.
Nationality, and last place of abode.
Cause of death.

NINTH SCHEDULE.

PART I.

Maximum Fees to be paid for Passenger Steamer's Certificate.

Sections 277, 360.

	£	s.	d.
For passenger steamers not exceeding 100 tons - -	4	0	0
Exceeding 100 tons and not exceeding 300 tons - - -	6	0	0
Exceeding 300 tons and not exceeding 600 tons - -	8	0	0
And for every additional 300 tons above 600 an additional -	2	0	0

PART II.

Maximum Fees for Survey of Emigrant Ships.

	£	s.	d.
For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores - - - - -	10	0	0
For a special survey - - - - - - -	15	0	0

TENTH SCHEDULE.

Regulations as to number of Persons carried on Emigrant Ships.

Sections 292, 367.

(1.) An emigrant ship shall not carry under the poop or in the round house or deck house or on the upper passenger deck, a greater number of steerage passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use.

(2.) An emigrant ship shall not carry on the lower passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use.

(3.) Provided, that if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of steerage passengers on that deck than in the proportion of one statute adult to every twenty-five clear superficial feet thereof.

(4.) An emigrant ship, whatever be her superficial space of decks, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or on any round house or deck house which is secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance.

(5.) In the measurement of the passenger decks, poop, round house or deck house, the space for the hospital, and the space occupied by that part of the personal luggage of the steerage passengers which the emigration officer permits to be carried there, shall be included.

ELEVENTH SCHEDULE.

REGULATIONS AS TO THE ACCOMMODATION FOR STEERAGE PASSENGERS.

Construction of Passenger Decks.

Section 298.

(1.) The beams supporting the passenger decks shall form part of the permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction.

(2.) The passenger decks shall be at least one inch and a half thick, and shall be laid and firmly fastened on the beams continuously from side to side of the compartment in which the steerage passengers are berthed.

(3.) The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Berths.

(4.) There shall not be more than two tiers of berths on any one deck. The interval between the floor of berths and the deck immediately beneath it shall not be less than six inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches.

(5.) The berths shall be securely constructed and of dimensions not less than six feet in length and eighteen inches in breadth for each statute adult, and shall be sufficient in number for the proper accommodation of all the steerage passengers contained in the lists of passengers by this Act required to be delivered by the master of the ship.

(6.) No part of any berth shall be placed within nine inches of any watercloset erected in the between-decks.

(7.) All male steerage passengers of the age of fourteen years and upwards (except those who occupy berths with their wives) shall to the satisfaction of the emigration officer at the port of clearance be berthed in the fore part of the ship in a compartment divided off from the space appropriated to the other steerage passengers by a substantial and well-secured bulkhead without opening into or communicating with any adjoining steerage passenger's berth, or, if the ship is fitted with enclosed berths, in separate rooms.

(8.) Not more than one steerage passenger, except in the case of husband and wife, or females, or children under the age of twelve years, shall be placed in or occupy the same berth.

(9.) Berths occupied by steerage passengers during the voyage shall not be taken down until forty-eight hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time. The master of the ship shall alone be liable to a fine for breach of this regulation.

Hospitals.

(10.) Sufficient space shall be set apart in every emigrant ship for use exclusively as a hospital for the steerage passengers, properly divided off, to the satisfaction of the emigration officer at the port of clearance.

(11.) The space set apart for a hospital shall be under the poop or in the round house, or in any deck house which shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance, or on the upper passenger deck, and not elsewhere.

(12.) The space so set apart shall contain not less than eighteen clear superficial feet for every fifty steerage passengers whom the ship carries; and shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

Privies.

(13.) Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with at least two privies, and with two additional privies on deck for every one hundred steerage passengers on board, and in ships carrying as many as fifty female steerage passengers with at least two waterclosets under the poop or elsewhere on the upper deck to the satisfaction of the emigration officer for the exclusive use of women and young children. The privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

(14.) All such privies and waterclosets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

(15.) The master of the ship shall alone be liable to a fine for breach of the regulations as to privies.

Light and Ventilation.

(16.) Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and if there are as many as one hundred steerage passengers on board shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

(17.) The steerage passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as will, in the opinion of the emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit.

TWELFTH SCHEDULE.

WATER AND PROVISIONS.

Water and provisions shall be issued to the steerage passengers according to the following dietary scales; (that is to say,) Section 298.

Water.

Three quarts daily to each statute adult, exclusive of the quantity necessary for cooking any article issued under this schedule in a cooked state.

Provisions.

Weekly, per statute adult:—

—	Scale A. For Voyages *not exceeding* 84 Days for Sailing Ships or 50 Days for Steamships or Ships having Steam Power in aid of Sails.		Scale B. For Voyages *exceeding* 84 Days for Sailing Vessels or 50 Days for Steamships or Ships having Steam Power in aid of Sails.	
	lbs.	ozs.	lbs.	ozs.
Bread or biscuit, not inferior to navy biscuit	3	8	3	8
Wheaten flour	1	0	2	0
Oatmeal	1	8	1	0
Rice	1	8	0	8
Peas	1	8	1	8
Beef	1	4	1	4
Pork	1	0	1	0
Butter	—		0	4
Potatoes	2	0	2	0
Sugar	1	0	1	0
Tea	0	2	0	2
Salt	0	2	0	2
Mustard	0	0½	0	0½
Pepper (white or black), ground	0	0¼	0	0¼
Vinegar	One gill.		One gill.	
Preserved meat			1	0
Suet			0	6
Raisins			0	8
Lime juice			0	6 (*See below*)

Substitutions.

Substitutions at the following rates may, at the option of the master of any emigrant ship, be made in the above dietary scales, as follows; (that is to say,)

1¼ lb. of soft bread baked on board	for	1 lb. of flour, or 1 lb. of biscuit, or 1¼ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.
1 lb. of preserved meat	for	1 lb. of salt pork or beef.
1 lb. of flour or of bread or biscuit, or ½ lb. of beef or of pork	for	1¼ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.
1 lb. of rice	for	1¼ lb. of oatmeal, or vice versâ.
¼ lb. of preserved potatoes	for	1 lb. of potatoes.
10 oz. of currants	for	8 oz. of raisins.
3½ oz. of cocoa or of coffee, roasted and ground	for	2 oz. of tea.
¾ lb. of treacle	for	½ lb. of sugar.
1 gill of mixed pickles	for	1 gill of vinegar.

Provided that the substituted articles are set forth in the contract tickets of the steerage passengers.

Regulations as to Lime Juice.

Lime Juice

When the ship is not in the Tropics, it shall not be obligatory to issue lime juice, but lime juice may be issued at the discretion of the medical practitioner on board, or if there is no such medical practitioner, at the discretion of the master.

Regulations as to Messes and Issue of Provisions.

(1.) Steerage passengers may be divided into messes, but a mess shall not consist of more than ten statute adults.

(2.) Members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess.

(3.) Water and provisions according to the above scales shall be issued daily before two o'clock in the afternoon to the head person for the time being of each mess, on behalf and for the use of the members thereof.

(4.) The first of the issues shall be made before two o'clock in the afternoon of the day of embarkation to such of the steerage passengers as are then on board.

(5.) Such provisions as require to be cooked shall be issued in a properly cooked state.

THIRTEENTH SCHEDULE.

Conditions for Carriage of Horses and Cattle in Emigrant Ships.

(1.) The animals shall not be carried below any deck on which steerage passengers are berthed, nor in any compartment in which steerage passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck. Section 301.

(2.) Clear space on the spar or weather deck shall be left for the use and exercise of the steerage passengers, at the rate of at least ten superficial feet for each statute adult.

(3.) No greater number of steerage passengers shall be carried than in the proportion of fifteen to every one hundred tons of the ship's registered tonnage.

(4.) In emigrant ships of less than five hundred tons registered tonnage not more than two head of large cattle shall be carried, nor in emigrant ships of larger tonnage more than one additional head of large cattle for every additional two hundred tons of the ship's registered tonnage, nor more in all in any emigrant ship than ten head of large cattle. The expression "large cattle" includes both sexes of horned cattle, deer, horses, and asses; and four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle.

(5.) Proper arrangements shall be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder.

(6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any emigrant ship.

FOURTEENTH SCHEDULE.

FORMS UNDER PART III. (PASSENGER AND EMIGRANT SHIPS). Section 360.

FORM I.

FORM OF MASTER'S BOND.

KNOW all men by these presents, that we,(1) are held and firmly bound unto our Sovereign by the Grace of God, of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of (2) *two thousand* pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Her [His] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and .

(1) Insert here the Christian and surnames in full, with occupations and addresses of each of the two obligors.

(2) The sum must be *five thousand* pounds if neither the owner or charterer of the ship reside in the British Islands.

Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that, before any emigrant ship clears outwards or

proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent, or being the master, one other good and sufficient person, approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond to the Crown, in the sum of two thousand pounds:

Now the condition of this obligation is such, that if the ship whereof the above bounden is master, bound to is in all respects seaworthy,(3) [and if the said ship shall call at the port of and there shall be shipped on board at such port pure water for the use of the steerage passengers, sufficient in quantity to afford an allowance of three quarts daily to each statute adult for the period of days on the voyage from such port to the final port or place of discharge of such ship,] and if (notwithstanding any fine by the said Act imposed, and whether the same may have been sued for and recovered or not) all and every the requirements of the said Merchant Shipping Act, 1894, (except such of them as relate exclusively to passage brokers and emigrant runners) and of the Board of Trade acting under the said Act, and of any Order of Her Majesty in Council relating to "emigrant ships" and now in force, shall in all respects be well and truly performed(4) [and if the master for the time being of the said ship shall submit himself, in like manner as a British subject being the master of a British emigrant ship, to the jurisdiction of the tribunals in Majesty's possessions abroad, empowered by the said Act to adjudicate on offences committed against the said Act,] and if moreover all fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by a Secretary of State or governor of a British possession or British consular officer under the said Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

(3) The clause within brackets is to be inserted only when the ship is to call at an intermediate port to take in water as provided in Part III. of the Merchant Shipping Act, 1894.

(4) This clause to be inserted only in the case of a foreign emigrant ship proceeding to any British possession.

Signed, sealed, and delivered by the above bounden and in the presence of ‡

‡ Insert names and addresses in full of the witnesses.

§[I hereby certify, that the above bond was duly signed, sealed, and delivered according to the law of the United Kingdom by the said master of the said ship and by the said (*other obligor*).]

§ Certificate to be signed by the chief officer of customs and forwarded with the bond to the colony, according to s. 319 of the Act.

(Signature) _____ { Chief Officer of Customs for the port of

(Date) _____ 18

FORM II.

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, that the provisions actually laden on board this ship are sufficient, according to the requirements of Part III. of the Merchant Shipping Act, 1894 for statute adults for a voyage of days.

(Signature) _____ Master.

Date _____ 18 .

Names and Descriptions of Passengers.

Ports of Embarkation.	Number of Contract Ticket.	Names of Passengers.	Profession, Occupation, or Calling of Passenger.	English.								Scotch.								Irish.								Foreigners.								Port at which Passengers have contracted to land.
				Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		Age of each Adult of 12 Years and upwards.				Ages of Children between 1 and 12 Years.		Infants.		
				Married.		Single.						Married.		Single.						Married.		Single.						Married.		Single.						
				Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	

SUMMARY OF STEERAGE AND CABIN PASSENGERS.

NATIONALITIES.	Number of Souls.							
	Adults of 12 Years of Age and upwards.				Children between 1 and 12 Years.		Infants.	
	Married.		Single.					
	M.	F.	M.	F.	M.	F.	M.	F.
English - -								
Scotch - - -								
Irish - - -								
Foreigners - -								
TOTAL - -								

No.

Total Number of Adults - - - -
Children between 1 and 12; equal to Statute Adults - _____
Total Number of Statute Adults - - _____

We hereby certify, that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of _____ .

(Signed) _____ Master.
_____ Emigration Officer.
(Countersigned) _____ Officer of Customs at
Date___ _____18 .

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clear out; and similar certificates be subjoined to such additions, according to the requirements of the Act.

FORM III.

FORM OF GOVERNOR'S OR CONSULAR OFFICER'S CERTIFICATE OF EXPENDITURE IN THE CASE OF PASSENGERS WRECKED OR FORWARDED.

(1) If more passengers were rescued than forwarded, or if bedding, &c. was not supplied, alter the certificate to suit the facts of the case.

(2) Omit words in brackets when necessary.

(3) State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.

Section 350.

I hereby certify, that, acting under and in conformity with the provisions of the Merchant Shipping Act, 1894, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores (1), and in forwarding to their destination steerage passengers [and cabin passengers (2)], who were proceeding from to in the ship , which was wrecked at sea, &c. (3).

And I further certify, for the purposes of Part III. of the said Act, that the total amount of such expenses is pounds, and that such expenses were duly incurred by me under the said Act.

Given under my hand, this day of 18 .

Governor of, &c., (or as the case may be,) *British Consular Officer at*

FORM IV.

FORM OF PASSAGE BROKER'S BOND.

(1) Insert names and surnames in full, with occupation and address of each of the parties.

KNOW all men by these presents, that we, *A.B.* (1) of *C.D.* of, *&c.* and *E.F.* of, *&c.* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign, Her [His] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents Sealed

with our seals. Dated this day of one thousand eight hundred and .

Whereas by Part III. of the Merchant Shipping Act, 1894, it is amongst other things enacted, that a person shall not, save as therein excepted, directly or indirectly act as a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, unless such person has entered, with two good and sufficient sureties, to be approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds: And whereas the said *C.D.* and *E.F.* have been duly approved by the proper emigration officer as sureties for the said *A B.*:

Now the condition of this obligation is such, that if the above bounden *A.B*, and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said Act, so far as the same relate to passage brokers, and further shall well and truly pay all fines and forfeitures, and also all sums of money, by way of subsistence money, or of return of passage money or compensation, to any steerage passenger, or on his account, together with all costs which the above bounden *A.B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of the said Act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden *A B.*, *C.D.*, and *E.F.*, in the presence of (2)

(2) Insert the names and addresses in full of the witnesses.

N.B—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the Board of Trade and the other part with the emigration officer at the port nearest to the place of business of the broker.

Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

The bond is exempt from stamp duty, but must be renewed annually with the licence.

FORM V.

FORM OF PASSAGE BROKER'S LICENCE.

A.B.(1) of in the having shown to the satisfaction of the council of [*or* me (*or* us) the undersigned], that he hath given bond to the Crown, as required by the Merchant Shipping Act, 1894, and also given fourteen days previous notice to the Board of Trade of his intention to apply for a licence to carry on the business of a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, the said council [*or* I (*or* we), the undersigned], having had no sufficient cause shown and seeing no valid reason why the said *A.B.* should not receive such licence, do hereby license and authorise the said *A.B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A.B* as provided in the Merchant Shipping Act, 1894.

(1) The names and surnames in full, with the address and trade or occupation of the party applying for the licence must be correctly inserted. If a member of a firm, the names and surnames of all the members must be given.

Given under the common seal of the said council [*or* my hand and seal (*or* our respective hands and seals)], this day of 18 at

(L.S.) [signature authenticating seal.]

[*or* Signature] (L.S.) { Sheriff, *or* sheriff substitute, *or* justices of the peace *as the case may be.*

Note.—Each member of a firm or partnership who acts as a passage broker must have a separate licence.

FORM VI

FORM of NOTICE to be given to the Board of Trade by Licensing Authority granting a Licence.

Gentlemen,

THIS is to give you notice, that the council of [*or* we (*or* I), the undersigned], did on the day of 18 license *A.B.* of(1) to carry on the business of a passage broker under the provisions of the Merchant Shipping Act, 1894.

(1) Insert the names and surnames in full, with the address and occupation of the party.

Signatures _____ { Clerk of the said council *or* sheriff *or* Justices of the Peace, *or as the case may be.*

Place _____

Date _____

To the Board of Trade, London.

FORM VII.

FORM of NOTICE to be given to the Board of Trade by an Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A.B.*(1) of in do hereby give you notice that it is my intention to apply, after the expiration of fourteen clear days from the date of putting this notice into the post to the council for the city *or* borough *or* district of *or if in Scotland* to the sheriff *or* sheriff substitute of *or if in Ireland* to the justices assembled in petty sessions to be held (2), *as the case may be*, for a licence to carry on the business of a passage broker under the Merchant Shipping Act, 1894.

(1) The names and surname in full, with the address and trade or occupation of the party applying for a licence, must be here correctly inserted.

(2) The place or district in which the party giving the notice has his place of business.

Signature _____

Date _____

To the Board of Trade, London

FORM VIII.

FORM of NOTICE of forfeiture of a Passage Broker's Licence to be given by the Court by which it is forfeited to the Board of Trade

Gentlemen,

THIS is to give you notice, that the licence granted on the day of 18 to *A B* (1) of in to act as a passage broker, was on the day of now last past duly declared by me (*or* us) the undersigned to be forfeited.(2)

(1) The names and surname in full, with the address and trade or occupation of the party, to be here inserted.

(2) Here state generally the reason of forfeiture.

Signatures _____

Place and date _____ 18

To the Board of Trade, London.

FORM IX

FORM of APPOINTMENT of Passage Broker's Agent.

DIRECTIONS

Insert in the proper places the names and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

I, *A.B* of, *&c.* (*or as the case may be*), one of the partners and on behalf of the firm of, *&c.* (*name all the partners and the style of the firm*), carrying on the business of at , do hereby nominate and appoint you *C.D.* of, *&c.*, to act as my agent and on my behalf in the sale or letting of steerage passages and otherwise in the business of a passage broker, according to the Merchant Shipping Act, 1894.

Signature in full _____

Place and date _____

Counter signature _____ { Emigration officer at the port of _____

FORM X.

FORM of EMIGRANT RUNNER'S ANNUAL LICENCE.

A B (1) of in the having made application in writing to the council of [*or* me, the sheriff, *or* us, the undersigned justices of the peace assembled in petty sessions, for the of] to grant to him a licence to enable him to be registered as an emigrant runner in and for (2) , and the said [*A B*] having also been recommended as a proper person to receive such licence by an emigration officer, *or* by the chief constable [*or other head officer of police, as the case may be*] of [*the district, town, or place in which the said A B is to carry on his business*]: the said council [*or* I, the sheriff, *or* we, the under-mentioned justices] having no sufficient cause shown and seeing no valid reason why the said *A B* should not receive such licence, do hereby grant to him this licence for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A B*, as provided in the Merchant Shipping Act, 1894

(Signatures, and authenticating seal)

(1) The names and surname in full, with the address of the party applying for the licence must be here correctly inserted.

(2) District, town, or place in which the emigrant runner is to carry on his business

FIFTEENTH SCHEDULE.

Section 375.

NUMBER and DIMENSIONS of BOATS for FISHING BOATS entered in the FISHING BOAT REGISTER.

Registered Tonnage.		Column 1. To be carried by Sailing Boats and Steam Boats.								Column 2. To be carried by Sailing Boats and by Steam Boats when they do not carry the Boats in Col. 3.				Column 3. To be carried by Steam Boats which do not carry the Boat in Col. 2.				Column 4. Total Number of Boats.	
Sailing Boats.	Steam Boats.	Boats.				Boats.				Launches.				Boats.				Sailing Boats.	Steam Boats.
		Number.	Length.	Breadth.	Depth	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.		
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In	Ft In.		
400 and upwards -	240 and upwards -	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4, as the case may be.
200 to 400 - -	120 to 240 - - -	1	14	5 0.	2 2	–	–	—	—	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3 „ „
100 to 200 - - -	60 to 120 - -	1	14	5 0	2 2	–	–	—	—	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3 „ „
Under 100 - - -	Under 60 - - -	1	14	5 0	2 2	–	–	—	—	–	–	—	—	–	–	—	—	1	1 „ „

Note.—In sailing boats carrying the number of boats above specified, and steam boats carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam boats carrying the smaller of the two numbers specified in column 4, one of the boats must be a launch of the capacity specified in column 2.

In sailing boats of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in column 1.

In sailing boats of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam boats, two paddlebox boats may be substituted for the boats in column 3.

SIXTEENTH SCHEDULE.

Maximum Fees for Inspection of Lights and Fog Signals.

	£	s.	d.
For each visit made to a ship on the application of the owner and for each visit made where the lights or fittings are found defective - - - - - - - -	0	10	0

Section 420.

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound whatever may be the number of separate visits.

SEVENTEENTH SCHEDULE.

LIFE SAVING APPLIANCES.

Constitution of the Committee.

(1.) Three shipowners selected by the Council of the Chamber of Shipping of the United Kingdom. Section 429.

(2.) One shipowner selected by the Shipowners Associations of Glasgow and one shipowner selected by the Liverpool Steamship Owners Association and the Liverpool Shipowners Association conjointly.

(3.) Two shipbuilders selected by the Council of the Institution of Naval Architects.

(4.) Three persons practically acquainted with the navigation of vessels selected by the shipmasters societies recognised by the Board of Trade for this purpose.

(5.) Three persons being or having been able-bodied seamen selected by seamen's societies recognised by the Board of Trade for this purpose.

(6.) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters.

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

(1.) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders. Section 453.

(2.) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

(*a*) to oats, or cotton seed; nor

(*b*) to a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade; nor

(*c*) to a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as herein-after mentioned, and if the ship does not carry more than one fourth of the grain cargo, and not more than one thousand five hundred quarters in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor

(*d*) to a ship in which the grain cargo does not exceed one half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so

stowed as to prevent the grain in any compartment, bin, or division from shifting.

(3.) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(4.) In loading the grain shall be properly stowed, trimmed, and secured.

NINETEENTH SCHEDULE.

PART I.

STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS.

Section 558.

(1.) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved :—

(*a.*) The place, condition, and circumstances in which the vessel, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(*b.*) The nature and duration of the services rendered.

(2.) Additional particulars to be stated by the salvor :—

(*a.*) The proportion of the value of the vessel, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the vessel, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(*b.*) Any other circumstances which he thinks relevant to the said claim.

(3.) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property :—

(*a.*) A copy of the certificate of registry of the said vessel, and of the endorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(*b.*) The name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is:

(*c.*) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(*d.*) The name and place of business or residence of the owner of the cargo and of the consignee thereof:

(*e.*) The values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest:

(*f.*) The amounts which the master thinks should be paid as salvage for the services rendered:

(*g.*) An accurate list of the property saved in cases where the vessel is not saved:

(*h.*) An account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made:

(*i.*) The number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(*k.*) Any other circumstances he thinks relevant to the matters in question.

PART II.

SALVAGE BOND.

[*N.B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the same of the freighter*], and to the cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*]:

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*], and a statement of the salvage claim has been sent to [*insert the name of the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*].

Now I, the said [*master's name*], do hereby, in pursuance of the Merchant Shipping Act, 1894, bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other court, substitute the name of it here*], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed, and delivered by the said [*master's name*]. (L.S.)

In the presence of. [*name of consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, and of the office he fills.*]

TWENTIETH SCHEDULE.

MAXIMUM FEES AND REMUNERATION OF RECEIVERS.

	£	s.	d.	
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding - - - -	1	0	0	Section 567.
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.				
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of - - -	0	10	0	
For wreck taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof.				
But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.				
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; (that is to say,)				
If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.				

TWENTY-FIRST

Section 582.

MAXIMUM RATES of PILOTAGE to be DEMANDED and RECEIVED by

[N.B.—The Rates which can be actually taken may, by virtue of an order

OUTWARDS.

From	To	7 Feet and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.	13 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoseley Bay, and vice versâ.	Nore Warps - -	3 13 6	4 2 9	4 12 0	5 1 3	5 5 9	6 5 0	6 13 6
	Gravesend, Chatham, Standgate Creek, or Blackstakes.	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6	8 19 6
	Long Reach - -	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9	9 8 6
	Woolwich or Blackwall	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0	10 2 6
	Moorings or London Docks.	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3	10 11 6
The Nore or Warps, and vice versâ.	Gravesend, Standgate Creek, or Blackstakes.	1 18 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3	3 11 9
	Long Reach or Chatham.	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3	4 2 9
	Woolwich or Blackwall	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3	4 19 0
	Moorings or London Docks.	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	5 5 9	5 15 0
Gravesend Reach, and vice versâ.	Long Reach - -	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6	1 19 0
	Woolwich or Blackwall	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6	3 2 6
	Moorings or London Docks.	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6	3 13 6
	Sheerness, Standgate Creek, or Blackstakes.	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9	4 12 0
	Chatham - - -	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3
Long Reach, and vice versâ.	Woolwich or Blackwall	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0	2 15 3
	Moorings or London Docks.	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3	3 4 6
	Sheerness, Standgate Creek, or Blackstakes.	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3
	Chatham - -	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6
Woolwich or Blackwall, and vice versâ.	Moorings or London Docks.	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3	1 16 9
	Sheerness, Standgate Creek, or Blackstakes.	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6
	Chatham - - -	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6	5 19 6

SCHEDULE.

qualified Pilots for piloting Ships within the under-mentioned Limits.
of the Trinity House, be less than those mentioned in this Schedule.]

OUTWARDS.

14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
7 7 3	7 16 6	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
9 13 3	10 7 0	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3
10 0 0	10 16 3	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
11 0 9	11 14 6	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	—
11 10 9	12 8 6	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	—	—	—
3 15 6	4 2 9	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
4 7 0	4 13 9	5 5 0	5 16 0	6 15 3	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
5 8 6	5 16 0	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	—
6 4 3	6 13 6	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	—	—
2 3 9	2 8 3	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	—
3 11 9	3 18 3	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 13 3	—
4 2 9	4 12 0	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	—	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	—	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	—	—	—
3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	—
3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	7 7 3	9 4 0	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	—	—
19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	—	—
1 6	2 6 0	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	—	—	—
19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	—	—	—
6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	—	—	—

INWARDS

From	To	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet	12 Feet.	13 Feet.	14 Feet.
		£ s. d	£ s. d	£ s. d	£ s. d.	£ s. d	£ s. d
The Downs	Nore Sheerness Standgate Creek, Gravesend.	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9	11 0 6
	Longreach	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0	11 18 10
	Blackwall or London	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6	12 17 3
Standgate Creek.	Gravesend	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3	6 1 3

NOTE 1.—Foreign Ships are to pay One Fourth more than British Ships, except when privileged British ships in which cases such Ships are to pay the same Rates of Pilotage only as are payable by
NOTE 2.—For Half a Foot exceeding the above Draughts of Water the Medium Price between the

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs *	60 Tons and under 150	150 Tons, and under 250.	250 Tons, and under 400	400 Tons, and under 600	600 Tons, and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkestone the Church bearing N N.W. by Compass	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland the Lights in one	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the Pilot is put on Board by a Boat from the Shore, One Seventh to the Pilot, and the remaining Six Sevenths to the Boat and Crew.

INWARDS.

15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
6 12 3	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

to enter the Ports of the United Kingdom upon paying the same duties of Tonnage as are paid by British Ships.

Two Limits.—For intermediate Distances a proportionate Rate.

		£ s. d.	
In the River Thames above Gravesend.	For a Boat of a Class carrying an Anchor of above 4 Cwt. with a corresponding Tow Line	2 2 0	Per Trip for the whole Distance from Gravesend to London and in proportion for any Part of that Distance.
	Do. Do. 2 Cwt.	1 1 0	
	Do. Do. under 2 Cwt.	0 15 0	

And for each Man's Service in those Boats, 8s. per Tide.

For removing a Ship from Moorings into a Dry or Wet Dock:

	£ s. d.
For a Ship under 300 tons	0 15 0
" 300 to 600 "	1 1 0
" 600 to 1,000 "	1 11 6
" above 1,000 "	2 2 0

TWENTY-SECOND SCHEDULE.

Section 745.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
17 Edw. 2. Stat. 2. c. 11. (Prerog. Reg. Stat. temp. incert. c. 13 in Rev. Edition).	Prerogativa Regis -	The words "wreck of the sea"
4 Geo. 4. c. 80. -	An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade . . .	Section twenty-seven, section twenty-eight, from "and for every omission" to "herein is required" and the word "omission" after "non-observance," and section thirty-four.
15 & 16 Vict. c. 26. -	The Foreign Deserters Act, 1852.	The whole Act.
16 & 17 Vict. c. 84. -	An Act to amend the Passengers Act, 1852, so far as relates to the passages of natives of Asia or Africa, and also passages between the Island of Ceylon and certain parts of the East Indies.	The whole Act.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	The whole Act.
17 & 18 Vict. c. 120.	The Merchant Shipping Repeal Act, 1854.	Section sixteen.
18 & 19 Vict. c. 91. -	The Merchant Shipping Act (Amendment) Act, 1855.	The whole Act.
18 & 19 Vict. c. 119.	The Passengers Act, 1855.	The whole Act.
19 & 20 Vict. c. 41. -	The Seamen's Savings Bank Act, 1856.	The whole Act.
24 & 25 Vict. c. 10. -	The Admiralty Court Act, 1861.	Sections nine, twelve, and twenty-four.
24 & 25 Vict. c. 52. -	The Australian Passengers Act, 1861.	The whole Act.
25 & 26 Vict. c. 63. -	The Merchant Shipping Amendment Act, 1862.	The whole Act.
26 & 27 Vict. c. 51. -	The Passengers Act Amendment Act, 1863.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867.	Sections thirty-five and forty-five.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	The whole Act, except section one as far as "Act, 1867," and section twelve.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections twenty-two to twenty-four.
31 & 32 Vict. c. 129.	The Colonial Shipping Act, 1868.	The whole Act.
32 & 33 Vict. c. 11.	The Merchant Shipping (Colonial) Act, 1869.	The whole Act.
33 & 34 Vict. c. 95.	The Passengers Act (Amendment) Act, 1870.	The whole Act.
34 & 35 Vict. c. 110.	The Merchant Shipping Act, 1871.	The whole Act.
35 & 36 Vict. c. 73.	The Merchant Shipping Act, 1872.	The whole Act, except sections one, ten, and seventeen.
36 & 37 Vict. c. 85.	The Merchant Shipping Act, 1873.	The whole Act.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section thirty-seven, except sub-section (6), and except so far as the section relates to Her Majesty's ships.
38 & 39 Vict. c. 17.	The Explosives Act, 1875.	Section forty-two.
39 & 40 Vict. c. 27.	The Local Light Dues Reduction Act, 1876.	The whole Act.
39 & 40 Vict. c. 80.	The Merchant Shipping Act, 1876.	The whole Act.
40 & 41 Vict. c. 16.	The Removal of Wreck Act, 1877.	The whole Act.
42 & 43 Vict. c. 72.	The Shipping Casualties Investigation Act, 1879.	The whole Act.
43 & 44 Vict. c. 16.	The Merchant Seamen Payment of Wages and Rating Act, 1880.	The whole Act, except the first paragraph of section one and section eleven.
43 & 44 Vict. c. 18.	The Merchant Shipping Act (1854) Amendment Act, 1880.	The whole Act.
43 & 44 Vict. c. 22.	The Merchant Shipping (Fees and Expenses) Act, 1880.	Sections two, five, six, and seven.

Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 43. -	The Merchant Shipping (Carriage of Grain) Act, 1880.	The whole Act.
45 & 46 Vict. c. 55. -	The Merchant Shipping (Expenses) Act, 1882.	The whole Act, except the first paragraph of section one and section eight.
45 & 46 Vict. c. 76. -	The Merchant Shipping (Colonial Inquiries) Act, 1882.	The whole Act.
46 & 47 Vict. c. 22. -	The Sea Fisheries Act, 1883.	Section eight.
46 & 47 Vict. c. 41. -	The Merchant Shipping (Fishing Boats) Act, 1883.	The whole Act.
49 & 50 Vict. c. 38. -	The Riot (Damages) Act, 1886.	In section six, Paragraph (*a*), and the words "plundering, damage," before "injury;" and from "and as if" to the end of the section.
50 & 51 Vict. c. 4. -	The Merchant Shipping (Fishing Boats) Act, 1887.	The whole Act.
50 & 51 Vict. c. 62. -	The Merchant Shipping (Miscellaneous) Act, 1887.	The whole Act.
51 & 52 Vict. c. 24. -	The Merchant Shipping (Life Saving Appliances) Act, 1888.	The whole Act.
52 & 53 Vict. c. 5. -	The Removal of Wrecks Act, 1877, Amendment Act, 1889.	The whole Act.
52 & 53 Vict. c. 29. -	The Passenger Acts Amendment Act, 1889.	The whole Act.
52 & 53 Vict. c. 43. -	The Merchant Shipping (Tonnage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 46. -	The Merchant Shipping Act, 1889.	The whole Act.
52 & 53 Vict. c. 68. -	The Merchant Shipping (Pilotage) Act, 1889.	The whole Act.
52 & 53 Vict. c. 73. -	The Merchant Shipping (Colours) Act, 1889.	The whole Act.
53 & 54 Vict. c. 9. -	The Merchant Shipping Act, 1890.	The whole Act.
55 & 56 Vict. c. 37. -	The Merchant Shipping Act, 1892.	The whole Act.

APPENDIX AND INDEX.

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A TABLE OF

The TITLES of the LOCAL and PRIVATE ACTS passed during the Session

57 & 58 VICTORIA.—A.D. 1894.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 1st June 1894.

P. i. An Act to confirm a Provisional Order made by the Secretary for Scotland, in pursuance of the Burgh Police (Scotland) Act, 1892, to increase the number of Magistrates in the Royal Burgh of North Berwick. (*North Berwick Provisional Order Confirmation.*)

P. ii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Town of Belturbet. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 2)*)

P. iii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Waterford. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 3).*)

iv. An Act to amend the Alloa Water Act, 1891. (*Alloa Water (Amendment).*)

v. An Act to confer further powers upon the Cockermouth, Keswick, and Penrith Railway Company, and for other purposes. (*Cockermouth, Keswick, and Penrith Railway.*)

vi. An Act to extend the provisions of the London Brighton and South Coast Railway Company (Steamboats) Act 1864. (*London, Brighton, and South Coast Railway* (*Steam Vessels*).)

vii. An Act to amend the City of London Police Superannuation Act 1889. (*City of London Police Superannuation.*)

viii. An Act to authorise the English Scottish and Australian Bank Limited to pay interest to the creditors of the English Scottish and Australian Chartered Bank upon their respective Debts for which Securities of the first-mentioned Bank are substituted in respect of the period between the suspension of the said Bank and the confirmation of the Plan of Arrangement of its affairs and for other purposes (*English Scottish and Australian Bank Limited*)

ix. An Act for enabling the Queensland Investment and Land Mortgage Company Limited to subdivide their Capital into Preference and Ordinary Capital and for other purposes. (*Queensland Investment and Land Mortgage Company's.*)

x. An Act to amend the Royal Medical Benevolent College Act 1855. (*Royal Medical Benevolent College*)

xi. An Act for the abandonment of the Worcester and Broom Railway. (*Worcester and Broom Railway* (*Abandonment*).

xii. An Act to confer further powers on the Manchester Sheffield and Lincolnshire Railway Company and the Liverpool St Helens and South Lancashire Railway Company and for other purposes. (*Manchester Sheffield and Lincolnshire and Liverpool St. Helens and South Lancashire Railway Companies.*)

xiii. An Act for the abandonment of the Undertaking of the Hull and North Western Junction Railway Company. (*Hull and North Western Junction Railway* (*Abandonment*).)

xiv. An Act to repeal the Acts relating to the London Life Association from the date of its registration as a Limited Company and to make provisions for the future government of the Association and the management of its affairs and for other purposes. (*London Life Association*)

xv. An Act for granting further powers to the British American Land Company. (*British American Land Company's.*)

ROYAL ASSENT, 18th June 1894.

P. xvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bangor, Dartmouth, Littlehampton, and Seaford. (*Pier and Harbour Orders Confirmation* (*No.* 1).)

P. xvii. An Act to confirm a Provisional Order of the Local Government Board under the Housing of the Working Classes Act, 1890, relating to the Urban Sanitary District of Portsmouth. (*Local Government Board's Provisional Order Confirmation* (*Housing of Working Classes*).)

P. xviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Lisburn. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 4).*)

P. xix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Liversedge and Mirfield and the Stroud Joint Hospital Districts. (*Local Government Board's Provisional Orders Confirmation.*)

P. xx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Accrington, Ashton-under-Lyne, Berwick-upon-Tweed, Bolton, Hexham, Knaresborough and Tentergate, Llandilo, Merthyr Tydfil, Penrith, Southport, Wallasey, Widnes, and Workington. (*Local Government Board's Provisional Orders Confirmation (No. 2)*)

P. xxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bristol, Dover, Henley-upon-Thames, Idle, Nottingham, Padiham and Hapton, Tunbridge Wells, and Wells (Somerset). (*Local Government Board's Provisional Orders Confirmation (No. 3).*)

P. xxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Baildon, Burnley, Burton-upon-Trent, Leicester, Margate, Norwich, and Wigan, and the Port of Cardiff. (*Local Government Board's Provisional Orders Confirmation (No. 4).*)

P. xxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bristol, Heckmondwike, Southampton, Sowerby Bridge, and Stockport. (*Local Government Board's Provisional Orders Confirmation (No. 6).*)

P. xxiv. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Strabane. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 8).*)

xxv. An Act for creating a Preference Stock of the Australasian Mortgage and Agency Company Limited and for other purposes relating thereto. (*Australasian Mortgage and Agency Company, Limited.*)

xxvi. An Act for the transfer of the undertaking of the Barrow Navigation Company to the Grand Canal Company to confer further powers on the Grand Canal Company and for other purposes. (*Grand Canal.*)

xxvii. An Act to extend the limits of the Act for appointing a Stipendiary Justice of the Peace for the parish of Merthyr Tydfil and adjoining places and for other purposes. (*Merthyr Tydfil Stipendiary Justice.*)

xxviii. An Act to extend the period for the completion of the railway authorised by the Bray and Enniskerry Light Railway Act 1886 to confer additional powers on the Company with reference to their capital and undertaking and for other purposes. (*Bray and Enniskerry Railway.*)

xxix. An Act for enabling an agreement between the Corporation of Doncaster and Alexander Henry Browne respecting part of the Town Field in Doncaster to be carried into effect. (*Doncaster Corporation.*)

xxx. An Act for extending the time limited for the construction by the Hull Barnsley and West Riding Junction Railway and Dock Company of certain of their authorised works and for conferring further powers upon the Company and amending the Acts relating to them. (*Hull, Barnsley, and West Riding Junction Railway and Dock.*)

xxxi. An Act for conferring on the Millom Local Board further powers in relation to the supply of Gas and Water and for other purposes (*Millom Local Board.*)

xxxii. An Act to renew the powers of the Company of Proprietors of the Rochdale Canal to borrow money to amend the Acts relating to that Company and for other purposes. (*Rochdale Canal.*)

xxxiii. An Act for incorporating and conferring powers on the Paignton Gas Company. (*Paignton Gas.*)

xxxiv. An Act to confer further Powers on the Great North of Scotland Railway Company. (*Great North of Scotland Railway.*)

ROYAL ASSENT, 3rd July 1894.

P. xxxv. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Tullamore. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 6).)

P. xxxvi. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Roscrea. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 7).)

P. xxxvii. An Act to confirm two Provisional Orders made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Dublin. (*Local Government Board (Ireland) Provisional Orders Confirmation (No.* 9).)

P. xxxviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Larne. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 10).)

P. xxxix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Clones. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 11))

P. xl. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Coleraine. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 12).)

P. xli. An Act to confirm a Provisional Order made by the Secretary for Scotland under the Public Health (Scotland) Act, 1867, relating to Wemyss, and Buckhaven Methil and Innerleven Water. (*Wemyss, and Buckhaven Methil and Innerleven Water Supply Confirmation.*)

P. xlii. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras, and St. Giles, Camberwell. (*Metropolitan Police Provisional Order Confirmation.*)

P. xliii. An Act to confirm a Provisional Order of the Board of Agriculture relating to the Regulation of certain Commons in the Borough of Luton in the County of Bedford. (*Commons Regulation (Luton) Provisional Order Confirmation.*)

P. xliv. An Act to confirm a Provisional Order of the Local Government Board under the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Urban Sanitary District of Wokingham. (*Local Government Board's Provisional Order Confirmation (Gas)*)

P. xlv. An Act to confirm certain Provisional Orders of the Local Government Board under the Housing of the Working Classes Act, 1890, relating to the Urban Sanitary Districts of Sheffield, Sunderland, and Wigan. (*Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) (No.* 2).)

P. xlvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bredbury and Romiley, Leyton, Swadlincote, and Wilmslow, and the Rural Sanitary District of the Wharfedale Union. (*Local Government Board's Provisional Orders Confirmation (No* 5).)

P. xlvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Gosport and Alverstoke, Harrow, Ilfracombe, Norwich, Ramsgate, and Redruth. (*Local Government Board's Provisional Orders Confirmation (No.* 8).)

P. xlviii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges of the Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway

Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company (Limited) and the Stocksbridge Railway Company. (*Railway Rates and Charges* (*Easingwold Railway, &c.*) *Order Confirmation.*)

P. xlix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Barrow-in-Furness, Buxton, Chepping Wycombe, Chesterfield, St. Helen's, and West Hartlepool. (*Electric Lighting Orders Confirmation* (*No.* 1).)

P. l. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Grimsby, Harrow, Leyton, Monmouth, Peterborough, and St. Austell. (*Electric Lighting Orders Confirmation* (*No.* 2).)

P. li. An Act to confirm an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, relating to a several Mussel Fishery at Cockenzie, County of Haddington. (*Mussel Fishery* (*Cockenzie*) *Order Confirmation.*)

lii. An Act to confirm an agreement entered into between the Great Southern and Western Railway Company and the Commissioners of Public Works in Ireland for the improvement and use of the Railway Station at Thurles. (*Thurles Railway Station.*)

liii. An Act to extend the time for the completion of the authorised works for enlarging and improving the port and harbour of Neath. (*Neath Harbour.*)

liv. An Act to provide for the amalgamation of the Carshalton Gas Company with the Croydon Commercial Gas and Coke Company and for other purposes. (*Croydon Gas.*)

lv. An Act to confer further powers on the Edinburgh and Leith Corporations Gas Commissioners in relation to their Gas Undertaking and for the construction of additional Gasworks and for other purposes. (*Edinburgh and Leith Corporations Gas* (*Additional Powers*).)

lvi. An Act to enable the Corporation of Edinburgh to create and issue Corporation Stock to authorise the redemption of the City Creditors Annuities and of certain annual payments by the Commissioners for the Harbour and Docks of Leith and for other purposes. (*Edinburgh Corporation Stock.*)

lvii. An Act to extend the time for the purchase of lands for and for the completion of the Central London Railway and for other purposes. (*Central London Railway.*)

lviii. An Act to empower the Local Board of Fulwood to improve their existing water supply and to confer further powers on the Local Board. (*Fulwood Local Board* (*Water*).)

lix. An Act to authorise the Local Board for the district of Aberdare to construct additional Waterworks and for other purposes. (*Aberdare Local Board Waterworks.*)

lx. An Act to amend the Law relating to the jurisdiction of the Chancellor Vice-Chancellor and other authorities of the University of Cambridge over persons not Members of the

University and to make better provision for the use of commons the management of markets and fairs and in other respects for the local government and improvement of the borough of Cambridge and for other purposes. (*Cambridge University and Corporation.*)

lxi. An Act for extending the limits of supply of the Southend Waterworks Company and for conferring further powers on the Company for the construction of works the raising of capital and otherwise in relation to their undertaking. (*Southend Waterworks.*)

lxii. An Act for conferring further powers on the Torquay Gas Company. (*Torquay Gas.*)

lxiii. An Act to authorise the Corporation of Bury to purchase land in connection with their waterworks undertaking and for other purposes. (*Bury Corporation.*)

lxiv. An Act to enable the Local Board for the District of Bridlington to hold and acquire certain lands and hereditaments at Bridlington Quay now held in trust for them and to confer upon the said Local Board further powers for the good government of their District and for other purposes. (*Bridlington Local Board.*)

lxv. An Act to authorise the Mayor Aldermen and Burgesses of the Borough of Bacup in the County of Lancaster to purchase and acquire the Undertaking of the Rossendale Waterworks Company and for other purposes. (*Bacup Corporation Water.*)

lxvi. An Act to confer further powers upon the London Chatham and Dover Railway Company and for other purposes. (*London Chatham and Dover Railway.*)

lxvii. An Act to authorise the Surrey Commercial Dock Company to alter and extend their Works to raise further Capital and for other purposes. (*Surrey Commercial Dock.*)

lxviii. An Act to authorise the Magistrates and Town Council of the Burgh of Falkirk to erect construct and maintain Gasworks and supply with Gas the Burgh of Falkirk and districts and places adjacent to empower the Magistrates and Town Council to purchase and the Falkirk Joint Stock Gas Company Limited to sell to the Magistrates and Town Council the Gasworks and property of that Company and for other purposes. (*Falkirk Corporation Gas.*)

lxix. An Act to authorise the transfer of part of the Undertaking of the Brynmawr and Abertillery Gas and Water Company to the Abertillery Local Board to regulate the Capital and Powers of the Company and for other purposes. (*Abertillery Local Board (Gas and Water).*)

lxx. An Act to extend the limits of supply of the South Hants Waterworks Company and to confer further powers upon that Company and for other purposes. (*South Hants Water.*).

lxxi. An Act to empower the Newcastle and Gateshead Water Company to abandon the construction of a portion of certain Works authorised by the Newcastle and Gateshead Waterworks Act 1889, and to construct a New Reservoir and Works in lieu

thereof and for other purposes. (*Newcastle and Gateshead Water.*)

lxxii. An Act for transferring the Mersey Railway Company with respect to the classification of merchandise traffic and the schedule of maximum rates and charges from the Order applicable to the Taff Vale Railway Company to the Order applicable to the East London Railway Company. (*Mersey Railway* (*Rates and Charges*).)

lxxiii. An Act to further extend the time for the compulsory purchase of lands and for the completion of the tramways authorised by the Harrow Road and Paddington Tramways Act 1891. (*Harrow Road and Paddington Tramways.*)

lxxiv. An Act to provide for the constitution of the City and Royal Burgh of Dundee as a County of a City and to confer various powers on the Lord Provost Magistrates and Town Council for affording greater facilities for transacting the public business of the said City and Burgh and for other purposes. (*Dundee Corporation.*)

lxxv. An Act to confer further powers upon the Great Northern Railway Company with respect to their own undertaking and to vest in that Company the undertaking of the Hunslet Railway Company to empower the Stamford and Essendine Railway Company to lease their undertaking to the Great Northern Railway Company to vest the undertaking of the Halifax High Level Railway Company in the Great Northern Railway Company and the Lancashire and Yorkshire Railway Company jointly and for other purposes. (*Great Northern Railway.*)

lxxvi. An Act to confer further powers on the Tottenham and Forest Gate Railway Company and for other purposes. (*Tottenham and Forest Gate Railway.*)

lxxvii. An Act to extend the time for the completion of certain authorised railways of the South Yorkshire Junction Railway Company and revive the powers for the purchase of lands for such railways and for other purposes. (*South Yorkshire Junction Railway.*)

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lxxviii. An Act to authorise the transfer of the Undertaking of the Kendal Union Gas and Water Company to the Corporation of Kendal the construction of Additional Waterworks and for other purposes. (*Kendal Corporation Gas and Water.*)

lxxix. An Act to explain section 23 of the Barry Dock and Railways Act 1888 and for other purposes. (*Barry Dock and Railways Act,* 1888 (*Amendment*).)

lxxx. An Act to confer further powers on the Cornwall Minerals Railway Company. (*Cornwall Minerals Railway.*)

lxxxi. An Act to confer further powers upon the Manchester Sheffield and Lincolnshire Railway Company the Manchester South Junction and Altrincham Railway Company and the Wigan Junction Railways Company and for other purposes. (*Manchester Sheffield and Lincolnshire Railway.*)

lxxxii. An Act for the abandonment of the unexecuted works of the East and West Yorkshire Union Railways Company for the reduction of the authorised share and loan capital of that Company and to empower them to raise further money and for other purposes. (*East and West Yorkshire Union Railways.*)

lxxxiii. An Act to authorise the Mayor Aldermen and Burgesses of the borough of Neath in the county of Glamorgan to acquire the undertaking of the Neath Water Company to construct Waterworks and supply Water and for other purposes. (*Neath Corporation Water.*)

lxxxiv. An Act to empower the Commissioners of the City and Royal Burgh of St. Andrews to acquire the Links of St Andrews for a Public Park and Recreation Ground and for other purposes. (*St. Andrews Links.*)

lxxxv. An Act to authorise the transfer of the Leicestershire and Northamptonshire Union Canal and of the Grand Union Canal to the Company of Proprietors of the Grand Junction Canal and for other purposes. (*Leicestershire and Northamptonshire Union and Grand Union Canals (Transfer).*)

lxxxvi. An Act to confer further powers on the Charing Cross Euston and Hampstead Railway Company and for other purposes. (*Charing Cross, Euston and Hampstead Railway.*)

lxxxvii. An Act for authorising the Cordoba Central Railway Company Limited to prepare and carry into effect a scheme of arrangement with its debenture stockholders creditors or shareholders or any class or classes of such persons and for other purposes. (*Cordoba Central Railway Company (Limited).*)

lxxxviii. An Act to extend the time for completing and opening the Lambourn Valley Railway and for other purposes (*Lambourn Valley Railway.*)

lxxxix. An Act for making a Carriage Road in Tunnel under part of the town of Scarborough to connect the south shore with the north shore and for other purposes. (*Scarborough (Shore to Shore) Tunnel.*)

xc. An Act to enable the Dublin Wicklow and Wexford Railway Company to raise additional capital for the City of Dublin Junction Railways and for the Dublin Wicklow and Wexford Railway to confer further powers on the Company and for other purposes. (*Dublin, Wicklow, and Wexford Railway and City of Dublin Junction Railways.*)

xci. An Act to empower the Corporation of Gloucester to construct additional waterworks to consolidate the parishes within the city and to make better provision for the health local government and improvement of the city and for other purposes. (*Gloucester Corporation.*)

xcii. An Act for conferring further Powers upon the London and North Western Railway Company in relation to their own Undertaking and other Undertakings in which they are interested jointly with other Companies and also for conferring Powers upon the Great Western Railway Company the Shropshire Union Railways and Canal Company and the Dundalk Newry and Greenore Railway Company in relation to such other Undertakings and for other purposes. (*London and North Western Railway.*)

xciii. An Act for vesting the undertaking of the Longton Adderley Green and Bucknall Railway Company in the North Staffordshire Railway Company and for other purposes. (*Longton, Adderley Green, and Bucknall Railway* (*Transfer*).)

xciv. An Act to authorise the making of a Bridge over the River Conway in the counties of Denbigh and Carnarvon at Talycafn and approach roads thereto and for other purposes. (*Talycafn Bridge.*)

xcv. An Act for making a Tramroad in the county of Glamorgan in connexion with the undertaking of the Pontypridd Waterworks Company and for other purposes. (*Pontypridd Waterworks* (*Tramroad*).)

xcvi. An Act to confer Additional Powers upon the Midland Railway Company and the Midland and Great Northern Railways Joint Committee for the Construction of Works and the Acquisition of Lands to make provision for the ranking of the existing and of future Debenture Stock and Mortgages of the Midland Railway Company and for other purposes. (*Midland Railway.*)

xcvii. An Act to empower the Local Board of Swinton in Yorkshire to improve their existing Water Supply and to confer further powers on the Local Board. (*Swinton Local Board.*)

xcviii. An Act to confer further powers on the Hebden Bridge Gas Company. (*Hebden Bridge Gas.*)

xcix. An Act for conferring further powers upon the Corporation of Wakefield in relation to their Waterworks Undertaking and for other purposes. (*Wakefield Corporation Water.*)

c. An Act for incorporating the Budleigh Salterton Railway Company and for other purposes. (*Budleigh Salterton Railway.*)

ci. An Act to make further provision for the extension enlargement maintenance and repair of the Wallasey Embankment and for other purposes. (*Wallasey Embankment.*)

cii. An Act to confer further powers upon the Milford Docks Company and for other purposes. (*Milford Docks.*)

ciii. An Act to make provisions with respect to the constitution and management of Cheltenham College. (*Cheltenham College.*)

civ. An Act to confer further powers on the London Brighton and South Coast Railway Company and for other purposes. (*London, Brighton, and South Coast Railway.*)

cv. An Act to authorise the Swansea Harbour Trustees to enlarge and extend the Prince of Wales Dock at Swansea and for other purposes. (*Swansea Harbour.*)

cvi. An Act to incorporate Commissioners and to transfer to and vest in them the Harbour Undertaking of the Trustees for the District and Harbour of Maryport to alter the constitution of such Trustees and for other purposes. (*Maryport Harbour.*)

P. cvii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, relating to the Town of Fermoy. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 1).)

P. cviii. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Athlone. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 5).)

P. cix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of the Pembroke Township. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 13).)

P. cx. An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of the Township of Kingstown. (*Local Government Board (Ireland) Provisional Order Confirmation (No.* 14))

P. cxi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Collieston, Fraserburgh, Polperro, and Whitelinks. (*Pier and Harbour Orders Confirmation (No.* 2).)

P. cxii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Avoch, Burnmouth, Loch Efort and Poole. (*Pier and Harbour Orders Confirmation (No.* 3).)

P. cxiii. An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Montrose. (*Pier and Harbour Order Confirmation (No.* 4).)

P. cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Crystal Palace District, Oswestry, Plymouth, Shropshire (Shrewsbury), Wakefield, and Yeadon. (*Electric Lighting Orders Confirmation (No* 3).)

P. cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdare, Birmingham, Chelmsford, and Guildford. (*Electric Lighting Orders Confirmation (No.* 4).)

P. cxvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Clonmel and Moss Side (Collier Marr). (*Electric Lighting Orders Confirmation* (*No.* 5).)

P. cxvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bolsover Gas, Earby and Thornton Gas, Ilford Gas, and Willenhall Gas. (*Gas Orders Confirmation.*)

P. cxviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Newquay (Cornwall) Gas, North Bierley Gas, Uttoxeter Gas, and Worthing Gas. (*Gas Orders Confirmation* (*No.* 2).)

P. cxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bishop's Waltham Water, Blandford Water, East Surrey Water, Tilehurst, Pangbourne, and District Water, and West Cheshire Water. (*Water Orders Confirmation.*)

P. cxx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bradford (Yorks) and Saint George, and the Rural Sanitary Districts of the Belper Union, the Bromsgrove Union, the Wakefield Union, and the Township of Saddleworth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

P. cxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Chorley, the Fulstone and Hepworth, the Leigh, and the Pontefract Joint Hospital Districts. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

P. cxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Abram, Stockport, and Wilsden. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

P. cxxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Birmingham, Brighton, Burnley, Darwen, Lancaster, and Sheffield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

P. cxxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Counties of the Isle of Wight, London, and West Sussex, and to the Boroughs of Margate and Tunbridge Wells. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

P. cxxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Isle of Thanet and Stone Joint Hospital Districts, and to the Leigh and Atherton and the Stalybridge and Dukinfield Joint Sewerage Districts. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

P. cxxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary

Districts of Middleton and Preston. (*Local Government Board's Provisional Orders Confirmation* (*No.* 16).)

P. cxxvii. An Act to confirm a Provisional Order of the Local Government Board relating to the Haslingden, Rawtenstall, and Bacup Outfall Sewerage District. (*Local Government Board's Provisional Order Confirmation* (*No.* 19).)

P. cxxviii. An Act to confirm a Provisional Order of the Local Government Board, under the provisions of the Poor Law Act, 1889, and the Public Health Act, 1875, relating to the Metropolitan Asylum District. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

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P. cxxix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Blackburn, Blackpool (two), and Stalybridge, and to the Rural Sanitary District of the Blackburn Union. (*Local Government Board's Provisional Orders Confirmation* (*No.* 14).)

P. cxxx. An Act to confirm a Provisional Order of the Local Government Board relating to the County of Dorset. (*Local Government Board's Provisional Order Confirmation* (*No.* 17).)

P. cxxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary District of King's Lynn (two), the Burnley Joint Hospital District, and the West Kent Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 18).)

cxxxii. An Act to authorise the London Tramways Company (Limited) to extend their tramways and for other purposes. (*London Tramways Company* (*Limited*).)

cxxxiii. An Act to confer further powers on the South Eastern Railway Company and for other purposes. (*South Eastern Railway.*)

cxxxiv. An Act to constitute and incorporate a Gas and Water Board for the Borough of Accrington and the Districts of the Local Boards of Church Clayton-le-Moors Great Harwood and Rishton in the County Palatine of Lancaster to transfer to and vest in such Board the undertaking of the Accrington Gas and Waterworks Company and for other purposes. (*Accrington District Gas and Water Board.*)

cxxxv. An Act to empower the Mayor Aldermen and Burgesses of the Borough of Huddersfield to construct a temporary Tramroad for the purposes of their Waterworks Undertaking. (*Huddersfield Waterworks Tramroad.*)

cxxxvi. An Act to confer further Powers on the Lancashire Derbyshire and East Coast Railway Company in relation to their authorised Railways and Works to extend the time for

purchasing land and completing some of those Railways and for other purposes. (*Lancashire Derbyshire and East Coast Railway.*)

cxxxvii. An Act to vest the undertakings of the Waterford and Wexford Railway Company and of the Rosslare Harbour Commissioners in the Fishguard and Rosslare Railways and Harbours Company to authorise that Company to raise additional Capital to change their name and for other purposes. (*Fishguard and Rosslare Railways and Harbours.*)

cxxxviii. An Act to enable the Mayor Aldermen and Burgesses of the Borough of King's Lynn to exercise further powers for the removal of wrecks and to raise additional Moneys for the removal of the wreck of the ship "Wick Bay" and for other purposes. (*King's Lynn Corporation.*)

cxxxix. An Act for the abandonment of certain railways authorised by the Mersey Railway Acts 1885 and 1887 and for other purposes. (*Mersey Railway.*)

cxl. An Act to provide for the transfer to the Mayor Aldermen and Citizens of the city and county of Newcastle-upon-Tyne of the undertaking of the Byker Bridge Company and for certain payments to the North Eastern Railway Company under an agreement dated the eleventh day of April one thousand eight hundred and eighty-eight for the passage of foot passengers free of toll along the Railway Bridge over the Ouseburn Valley and for other purposes. (*Newcastle-upon-Tyne Corporation (Byker Bridge, &c.).*)

cxli. An Act to dissolve and re-incorporate and to confer further powers upon the Port Talbot Company and to authorise them to construct an additional Dock and Railways and for other purposes. (*Port Talbot Railway and Docks.*)

cxlii. An Act to authorise the payment from time to time of Interim Bonus by the Star Life Assurance Society to the holders of certain Policies. (*Star Life Assurance Society's.*)

cxliii. An Act for conferring further powers upon the Great Western Railway Company in respect of their own undertaking and upon that Company and the London and North Western Railway Company in respect of undertakings in which they are jointly interested for amalgamating the Tiverton and North Devon and the Oldbury Railway Companies with the Great Western Railway Company and for other purposes. (*Great Western Railway (No. 1).*)

cxliv. An Act for the abandonment of the Brighton Rottingdean and Newhaven Direct Railway. (*Brighton, Rottingdean, and Newhaven Direct Railway (Abandonment).*)

cxlv. An Act for amending the River Suck Drainage Act 1889 and for other purposes. (*River Suck Drainage.*)

cxlvi. An Act to confer further powers on the Caledonian Railway Company in relation to their own Undertaking and on them and the Glasgow and South Western Railway Company in relation to the Glasgow Barrhead and Kilmarnock Joint Line to confirm an agreement with the Trustees of the late Robert Haldane to provide for the acquisition by the

Caledonian Railway Company of the Forfar and Brechin Railway and for other purposes. (*Caledonian Railway.*)

cxlvii. An Act to extend the time for the compulsory acquisition of Lands under the provisions of the Sheffield and South Yorkshire Navigation Act 1889 and to make further provisions with respect to the Transfer to the Sheffield and South Yorkshire Navigation Company of certain of the Canal Undertakings of the Manchester Sheffield and Lincolnshire Railway Company. (*Sheffield and South Yorkshire Navigation.*)

cxlviii. An Act for conferring further Powers on the Lancashire and Yorkshire Railway Company with relation to their own Undertaking and upon that Company and the London and North Western Railway Company with relation to the Preston and Wyre Railway and for other purposes. (*Lancashire and Yorkshire Railway.*)

cxlix. An Act to extend the time for the completion of the authorised railways of the Easton and Church Hope Railway Company and for other purposes. (*Easton and Church Hope Railway* (*Extension of Time*).)

cl. An Act to confer further powers on the Midland Great Western Railway of Ireland Company and for other purposes. (*Midland Great Western Railway of Ireland.*)

cli. An Act to authorise the Lord Provost Magistrates and Council of the City of Edinburgh to widen alter and improve North Bridge and North Bridge Street within the said City to acquire lands to make a new road and for other purposes. (*Edinburgh North Bridge Improvement.*)

clii. An Act to authorise the North British Railway Company to construct new Railways and acquire additional lands and to empower that Company and the Kirkcaldy and District Railway Company to widen a certain bridge to extend the time limited by certain Acts for the compulsory purchase of lands and the completion of works to abandon portion of an authorised Railway to confirm an Agreement between the Caledonian Railway Company the Great North of Scotland Railway Company the Aberdeen Joint Station Committee and the North British Railway Company as to the use by the latter Company of the joint passenger station at Aberdeen to confirm certain other Agreements between the Corporation of Edinburgh the Bank of Scotland the Edinburgh School Board and the North British Railway Company to make provisions for the prevention of trespass and for other purposes. (*North British Railway.*)

cliii. An Act to confer additional powers upon the North Eastern Railway Company and upon that Company and the London and North Western Railway Company for the construction of new Railways and other Works and the acquisition of additional Lands for transferring to the North Eastern Railway Company the powers of the Wear Valley Extension Railway Company and for other purposes. (*North Eastern Railway.*)

cliv. An Act for empowering the Bute Docks Company to construct Seawalls or Embankments and a new Dock and other works and to raise additional capital and for amending the Bute Docks Acts and for other purposes. (*Bute Docks*)

clv. An Act to authorise the Bristol Tramways and Carriage Company Limited to make additional Tramways and to confer further powers upon that Company. (*Bristol Tramways.*)

clvi. An Act to empower the West Highland Railway Company to construct an Extension of their Railway from Banavie to Mallaig with a Pier and other Works in connection therewith and for other purposes. (*West Highland Railway.*)

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clvii. An Act to authorise the Aberdeen District Tramways Company to construct additional Tramways to amend the Acts relating to the Company and for other purposes. (*Aberdeen District Tramways.*)

clviii. An Act to confer further powers on the Consett Waterworks Company and for other purposes. (*Consett Waterworks.*)

clix. An Act to extend the time for the completion of the Dundee Suburban Railway and for other purposes. (*Dundee Suburban Railway.*)

clx. An Act for making improved provisions with reference to the exercise by the Corporation of the City of Liverpool of their Statutory Borrowing Powers and for other purposes. (*Liverpool Corporation Loans.*)

clxi. An Act to enable the Mayor Aldermen and Burgesses of the County Borough of Cardiff to construct and maintain additional Waterworks Street Road and Bridge Improvements and to make further provisions for the improvement health and good government of the Borough and for other purposes. (*Cardiff Corporation.*)

clxii. An Act to authorise the East London Waterworks Company to execute further Works and to raise further Money in order to enable them to fulfil their statutory obligations relating to the supply of water or otherwise and to meet the increased demand for water within their district to give effect to an Agreement between the Company and the persons entitled to or claiming Lammas or Common Rights over certain Lands acquired by the Company in the Parish of Low Leyton otherwise Saint Mary Leyton in the County of Essex to confer further powers upon and make further provision with respect to the Undertaking of the Company and to amend the Acts relating to them and for other purposes. (*East London Waterworks.*)

clxiii. An Act to regulate the Expenditure of Money by the London County Council on capital account during the current financial period and the Raising of Money to meet such Expenditure. (*London County Council (Money).*)

clxiv. An Act to authorise the Southwark and Vauxhall Water Company to acquire Lands construct additional Works and raise additional Capital and for other purposes. (*Southwark and Vauxhall Water.*)

clxv. An Act to authorise the Company of Proprietors of the West Middlesex Waterworks to raise additional capital and for other purposes. (*West Middlesex Waterworks.*)

clxvi. An Act to make more effectual provision for preventing the pollution of the Rivers of the West Riding of Yorkshire and their tributaries. (*West Riding of Yorkshire Rivers.*)

clxvii. An Act to enable the Barry Railway Company to construct a new Railway and other works and for other purposes. (*Barry Railway.*)

clxviii. An Act to extend the Periods limited by the Clyde Navigation Act 1891 for the Compulsory Purchase of Lands and for the completion of the Railway thereby authorised to confer further powers on the Trustees of the Clyde Navigation with respect to Rates and for other purposes. (*Clyde Navigation.*)

clxix. An Act to confer further powers on the Manchester Ship Canal Company. (*Manchester Ship Canal.*)

clxx. An Act to amend the Peterhead Harbours Act 1873 the Peterhead Harbours Amendment Act 1876 and the Peterhead Harbours Order 1881 to confer further powers upon the Trustees of the Harbours of Peterhead and for other purposes. (*Peterhead Harbours.*)

clxxi. An Act to empower the South Staffordshire Mines Drainage Commissioners to impose a charge on Mines belonging to certain collieries as collateral security for money raised by them and to amend the Acts relating to the said Commissioners. (*South Staffordshire Mines Drainage.*)

clxxii. An Act for empowering the Taff Vale Railway Company to construct a new Railway and other works and acquire lands for vesting in that Company the undertaking of the Cowbridge and Aberthaw Railway Company and for other purposes. (*Taff Vale Railway.*)

clxxiii. An Act to reconstitute the Board of Directors of the West Lancashire Railway Company for raising further moneys and for other purposes. (*West Lancashire Railway.*)

clxxiv. An Act to authorise the Glasgow District Subway Company to raise additional capital to confer on them further powers with reference to their surplus lands and properties and for the acquisition of additional lands to extend the time for the completion of their authorised undertaking and for other purposes. (*Glasgow District Subway (Further Powers).*)

clxxv. An Act for conferring further powers on the Preston Gas Company. (*Preston Gas.*)

clxxvi. An Act to authorise the reconstruction of Glasgow Bridge the erection of a weir or tidal dam across the River Clyde the construction of tramways and for other purposes. (*Glasgow Bridge, &c.*)

clxxvii. An Act to provide for the transfer to the Great Western Railway Company of a portion of the authorised undertaking of the Plymouth and Dartmoor Railway Company and for other purposes. (*Great Western Railway* (*No.* 2).)

clxxviii. An Act to amend the Nottingham Corporation Loans Act 1880 and for other purposes. (*Nottingham Corporation.*)

clxxix. An Act to empower the Oxford and Aylesbury Tramroad Company to deviate part of the tramroad authorised by the Oxford and Aylesbury Tramroad Act 1888 as amended by the Oxford and Aylesbury Tramroad Act 1892 to revive the powers and extend the time for the Purchase of Lands for and for the completion of the remainder of the said Tramroad authorised by the said Acts and for other purposes. (*Oxford and Aylesbury Tramroad.*)

clxxx. An Act to authorise the Construction of a Bridge over the River Dee at Queen's Ferry in the County of Flint and the discontinuance of the existing Ferry at that place to make provision with respect to the Maintenance and Repair of Roads now repairable by the Dee Land Company in the Counties of Flint and Chester and the City of Chester and for other purposes. (*Queen's Ferry Bridge.*)

clxxxi. An Act to enable the Local Boards for the districts of Old Swindon and of Swindon New Town both in the county of Wilts to acquire and vest the Undertaking of the Swindon Waterworks Company Limited in a Water Board to authorise the construction of Additional Waterworks for the supply of Water and for other purposes. (*Swindon Water.*)

clxxxii. An Act to empower the Mayor Aldermen and Burgesses of the Borough of Bangor to construct a Pier and other works to maintain improve enlarge and extend the Garth Wharf Jetty to acquire the Garth Ferry and to improve and extend the Landing Place connected therewith situate in the parish of Llandegfan and County of Anglesey and for other purposes. (*Bangor Corporation* (*Pier, &c.*).)

clxxxiii. An Act to make provision as to the funds held in trust for the holders of certificates guaranteed by the Tramways Capital Guarantee Company Limited and for other purposes. (*Tramways Capital Guarantee Company Limited.*)

clxxxiv. An Act to authorise the Central Middlesex Water Company Limited to sell and transfer a portion of their Undertaking to the Colne Valley Water Company and for other purposes. (*Central Middlesex Water.*)

clxxxv. An Act to empower the London County Council to make Street Improvements to Purchase Lands and to acquire the Garden in Lincoln's Inn Fields to Extend the Time Limited for certain authorised Improvements and for other Purposes. (*London County Council* (*Improvements*).)

clxxxvi. An Act to authorise the North Cornwall Railway Company to deviate certain parts of their Railway and to construct new Railways and for other purposes. (*North Cornwall Railway.*)

clxxxvii. An Act to amend the constitution of and consolidate amend and extend the Statutory Powers of the Conservators of the River Thames to make further provision for the preservation and improvement of the said River for purposes of Navigation for Profit and Pleasure and as a Source of Water Supply for the Metropolis and the Suburbs thereof and for other purposes. (*Thames Conservancy.*)

clxxxviii. An Act to revive the Powers and Extend the Time for the Compulsory Purchase of Land and Completion of Works authorised by the Plymouth and Dartmoor Railway Act 1883 the Plymouth and Dartmoor Railway (South Hams Extension) Act 1888 and the Plymouth and Dartmoor Railway Act 1891 and for other purposes (*Plymouth and Dartmoor Railway.*)

clxxxix. An Act for vesting in the Great Western and Midland Railway Companies the undertakings of the Severn and Wye and Severn Bridge Railway Company and for other purposes. (*Great Western and Midland Railway Companies (Severn and Wye and Severn Bridge Railway).*)

cxc. An Act to revive the Powers and further extend the Time for the compulsory purchase of Lands and to extend the Time limited for the completion of the Exeter Teign Valley and Chagford Railway. (*Exeter, Teign Valley, and Chagford Railway (Extension of Time)*)

P. cxci. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barrow-in-Furness Corporation Tramways, Liverpool and Walton-on the-Hill Tramways, and Liverpool Corporation Tramways (Extensions). (*Tramways Orders Confirmation (No.* 1).)

P. cxcii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Croydon Corporation Tramways, Croydon Tramways (Extensions), and South Staffordshire Tramways. (*Tramways Orders Confirmation (No.* 2).)

P. cxciii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bolton and St. Helens, and to the Wisbech and Walsoken Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation (No.* 15))

P. cxciv. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Acts. (*Education Department Provisional Order Confirmation (London).*)

P. cxcv. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York to put in force the Lands Clauses Acts. (*Education Department Provisional Orders Confirmation (Barry, &c.).*)

P. cxcvi. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Canals of the Great Northern and certain other Railway Companies. (*Canal Tolls and Charges, No.* 1 (*Canals of the Great Northern and certain other Railway Companies*) *Order Confirmation.*)

P. cxcvii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates, Tolls, and Charges applicable thereto, for the Bridgewater Canals Undertaking of the Manchester Ship Canal Company, and for certain other Canals. (*Canal Rates, Tolls, and Charges, No.* 2 (*Bridgewater, &c. Canals*) *Order Confirmation.*)

P. cxcviii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Aberdare Canal Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 3 (*Aberdare, &c. Canals*) *Order Confirmation.*)

P. cxcix. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Regent's Canal. (*Canal Tolls and Charges, No.* 5 (*Regent's Canal*) *Order Confirmation*)

P. cc. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the River Ancholme Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 7. (*River Ancholme, &c.*) *Order Confirmation.*)

P. cci. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto for the River Cam Navigation, and certain other Canals, (*Canal Tolls and Charges, No.* 8 (*River Cam, &c.*) *Order Confirmation.*)

P. ccii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Canals of the Caledonian Railway Company and of the North British Railway Company. (*Canal Tolls and Charges, No.* 9 (*Canals of the Caledonian and North British Railway Companies*) *Order Confirmation.*)

P. cciii. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates, Tolls, and Charges applicable thereto, for the Grand Canal. (*Canal Rates, Tolls, and Charges, No.* 11 (*Grand Canal*) *Order Confirmation.*)

ROYAL ASSENT, 25th August 1894.

P. cciv. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Birmingham Canal Navigations. (*Canal Tolls and Charges, No.* 4 (*Birmingham Canal*) *Order Confirmation.*)

P. ccv. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the River Lee Navigation, and certain other Canals. (*Canal Tolls and Charges, No.* 6 (*River Lee, &c.*) *Order Confirmation.*)

P. ccvi. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Tolls and Charges applicable thereto, for the Lagan Canal, and certain other Canals. (*Canal Tolls and Charges, No.* 10 (*Lagan, &c. Canals*) *Order Confirmation.*)

ccvii. An Act for confirming the making by the Furness Railway Company of an outfall sewer and for conferring further powers on the Company for the acquisition of Lands the raising of Capital and otherwise in relation to their Undertaking and for reducing the light duties levied bythe Commissioners and Trustees of the Port of Lancaster and making further provision for the division between those Commissioners and Trustees and the Company of a portion of the light duties and for other purposes. (*Furness Railway.*)

ccviii. An Act for confirming an agreement for the acquisition by the Harrow District Gas Company of the undertaking of the Great Stanmore Gas Company Limited to extend the limits of supply of the first-mentioned Company to authorise them to raise additional capital to confer further powers upon them and to alter their name and for other purposes. (*Harrow and Stanmore Gas.*)

ccix. An Act to confer further Powers upon the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster with respect to Street Improvements and other Works and the Acquisition of Lands and for other purposes. (*Manchester Corporation.*)

ccx. An Act to confer further Powers on the Plymouth and Stonehouse Gas Light and Coke Company and for other purposes. (*Plymouth and Stonehouse Gas.*)

ccxi. An Act for making a Railway from Birmingham to Stratford-upon-Avon and for other purposes. (*Birmingham, North Warwickshire, and Stratford-upon-Avon Railway.*)

ccxii. An Act to make further provisions with respect to the use of Fire Hydrants Byelaws as to conveyance of Explosives over the Ferries of the London County Council enforcement of Ferry Byelaws the protection of Sewers and contribution towards Paddington Recreation Ground. (*London County Council (General Powers).*)

ccxiii. An Act to consolidate and amend the Enactments relating to Streets and Buildings in London. (*London Building.*)

ccxiv. For making Railways in the County and County of the City of Dublin and for other purposes. (*Drumcondra and North Dublin Link Railway.*)

ccxv. An Act for making a Railway between Ealing and South Harrow in the County of Middlesex and for other purposes. (*Ealing and South Harrow Railway.*)

ccxvi. An Act for making a Railway from London to Walthamstow and Epping Forest and for other purposes. (*London, Walthamstow, and Epping Forest Railway.*)

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable money to be raised by Mortgage for Improvement of the Bathwick Estate and the Wrington Estate in the County of Somerset devised by the Will of the Most Noble Harry George Powlett late Duke of Cleveland deceased. (*Bathwick and Wrington Estates.*)

2. An Act to confer further powers on the Executors and Trustees of the Will of the late Thomas Andrew Walker in relation to his real and personal estate. (*Walker's Estate.*)

PRIVATE ACTS.

NOT PRINTED.

An Act to dissolve the Marriage of John Minchin Whitaker of Cove House Sandycove Kingstown in the County of Dublin Surgeon with Catherine Anne Whitaker his now Wife and to enable him to Marry again and for other purposes (*Whitaker's Divorce.*)

An Act to dissolve the Marriage of Arnold Felix Graves of 41 Raglan Road Dublin Barrister-at-Law with Constance Louise Graves his present wife and to enable him to Marry again and for other purposes. (*Graves' Divorce.*)

An Act to restore Justina Clementina Boeheim or Von Roemer to British Nationality and to confer upon her all the rights privileges and capacities of a natural-born subject of Her Majesty the Queen. (*Von Roemer's Resumption of British Nationality.*)

TABLE

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 57 & 58 VICT.*

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
Prerog. Reg. Stat. temp. incert. c. 13.	Wreck of the Sea - -	"Wreck of the sea" rep.	60, s. 745.
21 Jas. 1. c. 32 -	Thames Navigation - -	Repealed - -	clxxxvii. (Local).
24 Geo. 2. c. 8 -	Thames Navigation - -		
25 Geo. 2. c. 36 -	Disorderly Houses - -	Ss. 2, 3 rep. as to Middlesex	15, s. 2 (12).
30 Geo. 2. c. 21 -	Fisheries (Thames and Medway)	Repealed as to Thames -	clxxxvii (Local).
11 Geo. 3. c. 45 -	Thames Navigation - -	Repealed - -	
14 Geo. 3. c. 91 -			
15 Geo. 3. c. 11 -			
17 Geo. 3. c. 18 -			
28 Geo. 3. c. 51 -			
35 Geo. 3. c. 106 -			
39 & 40 Geo. 3. c. 79.	Government of India - -	S. 25 repealed - -	39, s. 5.
43 Geo. 3. c. 143 -	Protection of Governors of Counties, &c. (Ireland).	Ss. 1–5, 7 repealed -	56 (Stat. Law Rev.)
50 Geo. 3. c. 102 -	Unlawful Oaths (Ireland) -	S. 10 repealed - -	
54 Geo. 3. c. 61 -	Colonial Officers (Leave of Absence).	Repealed - - -	17.
55 Geo. 3. c. 90 -	Actions against Canal Companies, &c.	Repealed - -	56 (Stat. Law Rev.)
4 Geo. 4.:			
c. 80	Trade with the East Indies -	Ss. 27, 28 in part, 34 rep.	60, s. 745.
c. 87	Unlawful Oaths (Ireland) -	S. 10 repealed - -	56 (Stat. Law Rev.)
6 Geo. 4. c. 81 -	Excise Licenses - -	S. 32 repealed - -	
c. 97	Universities (England) - -	S. 3 amended - -	lx. (Local).
10 Geo. 4. c. 50 -	Crown Lands - - -	S. 45 repealed	43, s. 5 (1).
11 Geo 4. & 1 Will. 4. c. 64.	Beerhouses, England - -	S. 28 repealed - -	56 (Stat. Law Rev.)
2 & 3 Will. 4. c. 108.	Special Constables (Ireland) -	S. 19 repealed - -	
3 & 4 Will. 4. c. 90	Lighting and Watching - -	S. 68 repealed - -	
4 & 5 Will. 4.:			
c. 32	Tonnage Rates in Port of London	Repealed - -	clxxxvii. (Local).
c. 47	April Quarter Sessions - -	Repealed - - -	6.
5 & 6 Will. 4. c. 58	Crown Lands (Scotland) -	Ss. 3–5 repealed - -	43, s. 5 (1).

* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table.

Repeals by the Statute Law Revision Act are not generally noticed, as being of little practical importance. When, however, a repeal extends to the whole Act, or even entire sections or schedules, it is entered in the Table.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
6 & 7 Will. 4.:			
c. 32	Building Societies - -	Repealed (but *see* date and terms).	47, s. 25.
c. 37	Bread - - - -	S. 29 repealed - -	56 (Stat. Law Rev.)
7 Will. 4. and 1 Vict. c. 41.	Small Debts (Scotland) -	Ss. 13, 36, Schs. (A.) (D.) revived in part.	
1 & 2 Vict.:			
c. 28	Bread (Ireland) - -	Ss. 25, 26 repealed -	56 (Stat. Law Rev.)
c. 56	Poor relief (Ireland) - -	S. 113 repealed - -	
c. 82	Parkhurst Prison - -	S. 16 repealed - -	
2 & 3 Vict. c. 71 -	Metropolitan Police Courts -	S. 52 repealed - -	
3 & 4 Vict.:			
c. 91	Linen, &c. Trade (Ireland) -	S. 32 repealed - -	
c. 108	Municipal Corporations (Ireland)	S. 204 repealed - -	
4 & 5 Vict.:			
c. 10	Extension of 19 & 20 Geo. 3. c. 37	Revived - - -	
c. 35	Copyhold - - -	Repealed - -	46, s. 100.
5 & 6 Vict.:			
c. 24	Dublin Police - - -	Ss. 74, 75, repealed -	56 (Stat. Law Rev.)
c. 35	Income Tax - - -	S. 163 amended - -	30, s. 34.
c. 89	Drainage (Ireland) - -	Ss. 140, 141 repealed -	56 (Stat. Law Rev.)
c. 106	Fisheries (Ireland) - -	S. 110 repealed - -	
c. 123	Private Lunatic Asylums (Ireland)	S. 48 repealed - -	
6 & 7 Vict.:			
c. 23	Copyhold - - -	Repealed - -	46, s. 100.
c. 91	Charitable Loan Societies (Ireland).	S. 61 repealed - -	56 (Stat. Law Rev.)
7 & 8 Vict.:			
c. 31	Warehousing of Foreign Goods, Manchester.	Repealed - -	56 (Stat. Law Rev.)
c. 55	Copyhold - - -	Repealed - -	46, s. 100.
c. 84	Metropolitan Building - -	Repealed - -	ccxiii. (Local).
c. 106	County Dublin Grand Jury -	S. 155 repealed - -	56 (Stat. Law Rev.)
8 & 9 Vict:			
c. 16	Companies Clauses Consolidation	S. 141 repealed -	56 (Stat. Law Rev.)
c. 83	Poor Law (Scotland) - -	Ss. 2, 3, 6, 7, 18–29, 31, 47, 48, and in part ss. 4, 5, 8, 11, 17, 30, 33, 38 repealed (but *see* dates).	58, s. 55.
c. 86	Customs - - -	S. 139 repealed - -	clxxxvii. (Local).
c. 109	Gaming - - - -	Ss. 22, 23 repealed -	56 (Stat. Law Rev.)
9 & 10 Vict. c. 3. -	Sea Fisheries, &c. (Ireland) -	Ss. 80, 81 repealed -	
10 & 11 Vict.:			
c. 14	Markets and Fairs Clauses -	S. 51 repealed - -	
c. 15	Gasworks Clauses - -	S. 39 repealed - -	
c. 17	Waterworks Clauses - -	S. 84 repealed - -	
c. 27	Harbours, Docks, and Piers Clauses.	S. 91 repealed - -	
c. 34	Towns Improvement Clauses -	Ss. 50, 209 repealed -	
c. 65	Cemeteries Clauses - -	S. 61 repealed - -	
c. 89	Town Police Clauses -	S. 72 repealed - -	
c. 98	Ecclesiastical Jurisdiction -	S. 2 repealed - -	
c. 112	New Zealand Company - -	Repealed - -	
c. 114	Leith Harbour and Docks -		
11 & 12 Vict.:			
c. 41	Ecclesiastical Unions, &c. (Ireland).		
c. 44	Justices Protection - -	Ss. 8, 9 repealed - -	
c. 76	Ecclesiastical Patronage (Ireland)	Repealed - -	
c. 103	Military Asylum, Chelsea -		

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
12 & 13 Vict.:			
c. 16	Justices Protection (Ireland) -	S. 11 repealed - -	56 (Stat. Law Rev.)
c. 21	Rebuilding of St. John's, Newfoundland.	Repealed - -	
c. 46	Turnpike Trusts - -		
c. 55	Abolition of Newgate Gaol, Dublin.		
c. 79	New Zealand Company - -		
c 85	Dublin Municipal Corporation -	Ss. 1, 8, 13–15, 18, 19, 23 repealed.	
c. 90	Customs - - -	S 42 repealed - -	clxxxvii. (Local).
c. 91	Collection of Rates, Dublin -	S. 79 repealed - -	56 (Stat Law Rev.)
c. 92	Cruelty to Animals - -	S. 28 repealed - -	
c. 102	Sale of Royal Pavilion, Brighton	Repealed - -	
13 & 14 Vict.:			
c. 60	Trustee - - - -	Ss. 28, 43, 44, 56 repealed	56 (Stat. Law Rev.)
c. 79	Annual Turnpike Acts Continuance.	Repealed - - -	
c. 81	Borough of Dublin - -	S. 2 repealed - -	
c. 84	Manchester Bonding - -	Repealed - - -	
c. 111	Holyhead Harbour - -		
14 & 15 Vict. c. 38	Turnpike Acts Continuance -		
15 & 16 Vict.:			
c. 26	Foreign Deserters - -	Repealed - - -	60, s. 745.
c. 28	Commissioners of Works - -	S. 2 rep. in part as to E. -	23, s. 1 (4).
c. 33	Turnpike Trusts - -	Repealed - - -	56 (Stat. Law Rev.)
c. 51	Copyhold - - - -	Repealed - -	46, s. 100.
c. 57	Election Commissioners -	S. 17 repealed - -	56 (Stat. Law Rev.)
c. 62	Crown Lands - - -	S. 2 extended - -	43, s. 7.
c. 63	Valuation of Rateable Property (Ireland).	S. 44 repealed - -	56 (Stat. Law Rev.)
16 & 17 Vict.:			
c. 56	Crown Lands - - -	S. 5 extended to Scotland	43, s. 11.
c. 60	Salaries of Resident Magistrates (Ireland).	Repealed - - -	56 (Stat. Law Rev.)
c. 61	Turnpike Trusts - -		
c. 84	Amendment of Passengers Act -	Repealed - - -	60, s. 745.
c. 112	Dublin Carriage - -	S. 78 repealed - -	56 (Stat. Law Rev.)
c. 119	Betting - - - -	Ss. 16, 17 repealed - -	
c. 137	Charitable Trusts - - -	S. 62 extended - -	35, s. 4.
17 & 18 Vict.:			
c. 38	Gaming - - - -	Ss. 13, 14 repealed - -	56 (Stat. Law Rev.)
c. 76	Convict Prisons (Ireland) - -	S. 23 repealed - -	
c. 91	Lands Valuation (Scotland) -	Rep. in part; ss. 21, 23, 24 am; ss. 20–29 ext.	36, Ss 2, 3, 7, 8.
c. 104	Merchant Shipping - -	Ss. 103, 104, 518–543 appd.	2, s. 1 (5).
c. 120	Merchant Shipping Repeal -	Repealed - - -	60, s. 745.
		S. 16 repealed - -	
18 & 19 Vict.:			
c. 40	Public Libraries, Ireland - -	Amended, S. 4 repealed -	38.
c. 81	Places of Worship Registration -	S. 9 extended - -	35, s. 4.
c. 91	Merchant Shipping - -	Repealed - - -	60, s. 745.
c. 119	Passengers - - -		
c. 120	Metropolis Management - -	S. 224 repealed - -	56 (Stat. Law Rev.)
		Ss. 142, 202 in part, rep.	ccxiii. (Local).
c. 122	Metropolitan Building - -	Repealed - - -	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
19 & 20 Vict.:			
c. 24	Juvenile Convict Prison (Ireland)	Repealed - -	56 (Stat. Law Rev.)
c. 41	Seamen's Savings Bank - -	Repealed - - -	60, s. 745.
c. 97	Mercantile Law Amendment -	S. 15 repealed - -	56 (Stat. Law Rev.)
20 & 21 Vict. c. 77	Court of Probate - -	Sch. B. repealed - -	
21 & 22 Vict.:			
c. 72	Landed Estates Court (Ireland) -	S. 68 extended - -	43, s. 12.
c. 94	Copyhold - - -	Repealed - - -	46, s. 100.
23 & 24 Vict.:			
c. 52	Metropolitan Building - -	Repealed - - -	ccxiii. (Local).
c. 59	Universities and College Estates	S. 4 repealed - -	46, s. 100.
24 & 25 Vict.:			
c. 10	Admiralty Court - -	Ss. 9, 12, 24 repealed -	60, s. 745.
c. 26	Dublin Improvement - -	Ss. 7, 13 repealed - -	56 (Stat. Law Rev.)
c. 52	Australian Passengers - -	Repealed - -	60, s. 745.
c. 87	Metropolitan Building -	Repealed - - -	ccxiii. (Local).
c. 90	Edinburgh Universities -	S. 1 virt. rep. - -	lvi. (Local).
c. 133	Land Drainage - -	S. 53 repealed - -	56 (Stat. Law Rev.)
25 & 26 Vict.:			
c. 63	Merchant Shipping - - -	Repealed - - -	60, s. 745.
c. 102	Metropolis Local Management -	S. 42 repealed - -	56 (Stat. Law Rev.)
		Ss. 74–76, 85, 87, 98, 99 repealed.	ccxiii. (Local).
c. 104	Queen's Prison Discontinuance -	Ss. 10, 11 repealed -	56 (Stat. Law Rev.)
26 & 27 Vict. c. 51	Passengers Act Amendment -	Repealed - - -	60, s. 745.
27 & 28 Vict.:			
c. 25	Naval Prize - - -	S. 13 repealed - -	39, s. 3 (3).
c. 99	Civil Bill Courts Procedure (Ireland).	S. 64 repealed - -	56 (Stat. Law Rev.)
c. 113	Thames Conservancy - -	Repealed - -	clxxxvii. (Local).
29 & 30 Vict.:			
c. 62	Crown Lands - - -	S. 1 ext., s. 2 repealed -	43, ss. 2, 3.
c. 67	British Columbia - -	Ss. 2–6 repealed - -	56 (Stat. Law Rev.)
c. 74	Repeal of 5 & 6 Vict. c. 76. -	Repealed - -	
c. 89	Thames Navigation - -	Repealed - - -	clxxxvii. (Local).
c. 104	New Zealand - - - -	S. 3 repealed - -	56 (Stat. Law Rev.)
c. 118	Industrial Schools - -	Amended - - -	33.
30 & 31 Vict.:			
c. 80	Valuation of Lands (Scotland) -	Rep. in part; ss. 5, 7 am.	36, ss. 3 4, 8.
c. 101	Public Health (Scotland) -	Ss. 9–11 rep. in part, s. 15 rep.	58, s. 55.
c. 114	Court of Admiralty (Ireland) -	Ss. 6, 9, 11, 14–25, 39–41, 48, 49, 53–65, 67, 68, 70, 82, 88, 94, 107, 111–119 repealed.	56 (Stat. Law Rev.)
c. 124	Merchant Shipping -	Ss. 35, 45 repealed -	60, s. 745.
		Ss. 1 from "and shall," 2–11 repealed.	
31 & 32 Vict.:			
c. 45	Sea Fisheries - - -	Ss. 22–24 repealed -	
c. 48	Representation of the People (Scotland).	S. 36 repealed - -	56 (Stat. Law Rev.)
c. 129	Colonial Shipping - - -	Repealed - -	60, s. 745.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
32 & 33 Vict.:			
c. 11	Merchant Shipping (Colonial)	Repealed	60, s. 745.
c. 82	Metropolitan Building	Repealed	ccxiii. (Local).
33 & 34 Vict.:			
c. 66	British Columbia	Repealed	56 (Stat. Law Rev.)
c. 69	Statute Law Revision	Schedule repealed	
c. 95	Passengers Act (Amendment)	Repealed	60, s 745.
c. 106	City of Dublin (Drainage)	Repealed	56 (Stat. Law Rev.)
34 & 35 Vict.:			
c. 39	Metropolitan Building	Repealed	ccxiii. (Local).
c. 110	Merchant Shipping	Repealed	60, s 745.
c. 116	Statute Law Revision	Schedule repealed	56 (Stat. Law Rev.)
35 & 36 Vict.:			
c. 63	Statute Law Revision	S. 2, Schedule repealed	
c. 73	Merchant Shipping	Ss. 2–9, 11–16 repealed	60, s. 745.
c. 97	Statute Law Revision (No. 2.)	Schedule repealed	56 (Stat. Law Rev.)
36 & 37 Vict.:			
c. 48	Regulation of Railways	S. 14 extended	54, s. 3.
c. 85	Merchant Shipping	Repealed	60, s. 745.
37 & 38 Vict.:			
c. 35	Statute Law Revision	S. 2, Schedule repealed	56 (Stat. Law Rev.)
c. 42	Building Societies	Ss. 25, 40 ext. s. 33 am., ss. 16, 43 rep. in part.	47, ss. 17, 19, 25, 28.
c. 65	Annuity to Prince Leopold	Repealed	56 (Stat. Law Rev.)
c. 88	Births and Deaths Registration	S. 37 repealed in part	60, s. 745.
c. 96	Statute Law Revision (No. 2)	S. 2 Schedule repealed	56 (Stat. Law Rev.)
38 & 39 Vict.:			
c. 17	Explosives	S. 42 repealed	60, s. 745.
c. 21	Public Entertainments	Repealed as to Middlesex	15, s 2 (12).
c. 66	Statute Law Revision	Ss. 2, 3, Sch repealed	56 (Stat. Law Rev.)
c. 89	Public Works Loans	Schedule I. explained	11.
c. 95	Dublin Sanitary Loan	Repealed	56 (Stat. Law Rev.)
39 & 40 Vict.:			
c. 1	Exchequer Bonds	Repealed	
c. 5	Telegraph (Money)	Ss. 1–3 repealed	
c. 14	Chelsea Hospital	Schedule repealed	
c. 16	Customs and Inland Revenue	S. 8 amended, and virtually repealed in part.	30, s. 34.
		S. 12, Schedule repealed	56 (Stat. Law Rev.)
c. 18	Treasury Solicitor	Schedule I. repealed	
c. 19	Salmon Fishery	S. 3 repealed	
c. 20	Statute Law Revision (Substituted Enactments).	S. 7, Schedule repealed	
c. 21	Jurors Qualification (Ireland)	S. 6 repealed	
c. 26	Publicans Certificates (Scotland)	S. 3 repealed	
c. 27	Local Light Dues Reduction	Repealed	60, s. 745.
c. 28	Court of Admiralty (Ireland)	S. 11 repealed	56 (Stat. Law Rev.)
c. 31	Public Works Loans (Money)	Ss. 2, 4, 5 repealed	
c. 36	Customs Consolidation	S. 288, Schedule (A.) rep.	
c. 47	St. Vincent, Tobago, &c. Constitution.	Sch. rep as to Tobago	
c. 54	Bishopric of Truro	Ss. 3, 4, 7 repealed	
c. 56	Commons	S. 25, Schedule repealed	
c. 59	Appellate Jurisdiction	S. 17 amended	16, s. 4.
		S. 2 repealed	56 (Stat. Law Rev.)
c. 71	Chairmen of Quarter Sessions (Ireland).	S. 2 repealed	
c. 79	Elementary Education	S. 3 repealed	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
9 & 40 Vict.— *cont.* c. 80	Merchant Shipping - -	S. 34 applied - -	2, s. 1 (5).
		Repealed - -	60, s. 745.
40 & 41 Vict.:			
c. 16	Removal of Wreck - -	Repealed - - -	
c. 18	Settled Estates - -	S. 61 repealed - -	56 (Stat. Law Rev.)
c. 21	Prisons - - - -	S. 2 repealed - -	
c. 25	Solicitors - - - -	Amended - - -	9.
		Ss. 3, 14, 23 repealed -	
c. 28	Game Laws (Scotland) - -	S. 2 repealed - -	
c. 30	Telegraphs (Money) - -	Repealed - -	
c. 41	Crown Office - -	S. 2 repealed - -	
c. 42	Fisheries, (Oyster, Crab and Lobster).	S. 2 repealed - -	
c. 45	Treasury Chest Funds - -	S. 7 repealed - -	
c. 48	Universities of Oxford and Cambridge.	Schedule repealed - -	56 (Stat. Law Rev.)
c. 49	General Prisons (Ireland) -	Ss. 20, 22, 59 repealed -	
c. 50	Sheriff Courts (Scotland) -	S. 2 repealed - -	
c. 51	India Government Loan - -	S. 16 repealed - -	
c. 53	Prisons (Scotland) - -	S. 2 repealed - -	
c. 56	County Officers and Courts (Ireland).	Ss. 4, 5 repealed - -	
c. 57	Supreme Court of Judicature I. -	Ss. 2, 25, 64, Sch. rep. -	
c. 60	Canal Boats - - -	S. 15 repealed - -	
c. 63	Building Societies - -	S. 6, Schedule repealed -	47, s. 28.
41 & 42 Vict.:			
c. 16	Factory and Workshop - -	Ss. 2, 20, 107, Sch. VI. rep.	56 (Stat. Law Rev.)
c. 25	Public Health (Water) - -	S. 2 repealed - -	
c. 26	Parliamentary Registration -	Ss. 3, 8, 43 repealed -	
c. 32	Metropolis Management and Building Acts Amendment.	Ss. 4, 6–10, 14–20, 25, and in part ss. 21–23, 26, 27 repealed.	ccxiii. (Local).
c. 39	Freshwater Fisheries - -	S. 4 repealed - -	56 (Stat. Law Rev.)
c. 41	Parliamentary Elections, Returning Officers Expenses, S.	S. 6 repealed - -	
c. 44	Truro Chapter - - -	S. 2 repealed - -	
c. 49	Weights and Measures - -	S. 2 repealed - -	
c. 51	Roads and Bridges (Scotland) -	Ss. 4–10, 12–14, 19–26, 28, 30, 31, 35, 36, 38, 46, 48, 59–68, 71–73, 81, 83–85, 95, 97, 103, 107, 108, 114–116, 120, Sch. A. repealed.	56 (Stat. Law Rev.)
c. 57	Statute Law Revision (Ireland)	Schedule repealed -	
c. 68	Bishoprics - - -	Ss. 4, 7, 9, 10 repealed -	
c. 72	Sale of Liquors on Sunday (Ireland).	Ss. 4, 7 repealed - -	
c. 74	Contagious Diseases (Animals)	Repealed (except s. 34)	57, s. 78.
c. 78	Education (Scotland) - -	S. 3 repealed - -	56 (Stat. Law Rev.)
c. 79	Statute Law Revision - -	Ss. 2, 3, Schs. repealed -	
42 & 43 Vict.:			
c. 2	Consolidated Fund (No. 1) -	Repealed - -	56 (Stat. Law Rev.)
c. 3	Exchequer Bonds (No. 1) -		
c. 4	Mutiny Act (Temporary) Continuance.		
c. 5	Marine Mutiny Act (Temporary) Continuance.		
c. 6	District Auditors - -	Ss. 9, 10, Sch. II. rep. -	
c. 7	Consolidated Fund (No. 2) -	Repealed - -	
c. 8	Registration of Births, &c. (Army).	S. 5 repealed - -	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
42 & 43 Vict.— *cont.*			
c. 11	Bankers' Books Evidence	S. 2 repealed	56 (Stat. Law Rev.)
c. 13	Abolition of Petty Customs	Repealed	
c. 14	Consolidated Fund (No. 3)	Repealed	
c. 16	West India Loan	Repealed	
c. 19	Habitual Drunkards	S. 2 repealed	
c. 20	Consolidated Fund (No. 4)	Repealed	
c. 21	Customs and Inland Revenue	Ss. 2, 4, 15–17 repealed	
c. 22	Prosecution of Offences	S. 10 repealed	
c. 24	Statute Law Revision, I.	Schedule repealed	
c. 27	Convention of Royal Burghs (Scotland).	Schedule repealed	
c. 28	Convention (Ireland) Act Repeal	S. 1 repealed	
c. 30	Sale of Food and Drugs	S. 8 repealed	
c. 32	Army Discipline, &c.	Repealed (except s. 6)	
c. 34	Children's Dangerous Performances.	S. 2 repealed	
c. 35	Public Loans Remission	Repealed	
c. 36	Customs Buildings	S. 7 repealed	
c. 39	Highway Accounts Returns	S. 3, Schedule repealed	
c. 40	Conveyancing (Scotland)	Ss. 2, 4 repealed	
c. 42	Valuation of Lands (Scotland)	S. 2 repealed	
c. 43	East Indian Railway	S. 1 repealed	
c. 44	Lord Clerk Register (Scotland)	S. 12 repealed	
c. 46	Turnpike Acts Continuance	Repealed	
c. 47	Petroleum	Ss. 4–6, Sch. II. repealed	
c. 49	Summary Jurisdiction	S. 3, Schedule II. repealed	
c. 51	Appropriation	Repealed	
c. 53	Municipal Elections (Ireland)	S. 3 repealed	
c. 54	Poor Law	S. 3 repealed	
c. 55	Prevention of Crime	Ss. 1, 3 repealed	
c. 56	Regulation of Railways	Repealed	
c. 59	Civil Procedure Acts Repeal	Schedule repealed	
c. 60	East India Loan (5,000,000*l.*)	S. 16 repealed	
c. 62	Exchequer Bills and Bonds	Repealed	
c. 66	Endowed Schools Acts Continuance.	Repealed	
c. 67	Expiring Laws Continuance	Repealed	
c. 68	Metropolitan Board of Works Indemnity.	Repealed	
c. 70	Vaccination Amendment (Ireland).	S. 13, Schedule II. rep.	
c. 71	Registry Courts (Ireland)	S. 3 repealed	
c. 72	Shipping Casualties Investigation	Repealed	60, s. 745.
c. 74	National School Teachers (Ireland).	S. 12 repealed	56 (Stat. Law Rev.)
c. 77	Public Works Loans	Ss. 5, 9–11, Sch. rep.	
c. 78	Supreme Court of Judicature (Officers).	S. 2, Sch. II. repealed	
43 Vict.:			
c. 1	Seed Supply (Ireland)	Ss. 8–10, 14 repealed	
c. 3	Indian Salaries and Allowances	S. 5, Sch. II. repealed	
c. 4	Relief of Distress (Ireland)	Ss. 3, 8, 21 repealed	
c. 5	Consolidated Fund (No. 1)	Repealed	
c. 9	Army Discipline (Annual)	Repealed	
c. 13	Appropriation	Repealed	
c. 14	Customs and Inland Revenue	Ss. 2, 4–7 repealed	
c. 16	Exchequer Bills and Bonds	Repealed	
c. 17	Town Councils and Local Boards	Rep. (except as to I.)	
43 & 44 Vict.:			
c. 1	Public Works Loans	Repealed (except s. 3)	
c. 2	Glebe Loan (Ireland) Acts Amendment.	Repealed	
c. 3	Consolidated Fund	Repealed	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
43 & 44 Vict.—*cont.*			
c. 4	Judicial Factors (Scotland) -	S. 2 repealed - -	56 (Stat. Law Rev.)
c. 8	Isle of Man Loans - -	S. 11, Schedule II. rep. -	
c. 10	Great Seal - - -	Ss. 2 6 repealed - -	
c. 11	Universities of Oxford and Cambridge.	Repealed - -	
c. 12	Turnpike Acts Continuance -		
c. 13	Births, &c., Registration (Ireland)	S. 44, Sch. IV. rep. -	
c. 14	Relief of Distress (Ireland) -	Ss. 9, 11, 12 repealed -	
c. 16	Merchant Seamen, Payment of Wages and Rating.	Repealed (except ss. 1 in part, 11).	60, s. 745.
c. 18	Merchant Shipping Act (1854) Amendment.	Repealed - - -	
c. 19	Taxes Management - -	Ss. 3, 47, 80, Schs. I., III. repealed.	56 (Stat. Law Rev.)
c. 20	Inland Revenue - -	Ss. 3–9, 49–51, Sch. II. repealed.	
c. 21	Exchequer Bills and Bonds -	Repealed - -	
c. 22	Merchant Shipping (Fees and Expenses).	Ss. 2, 5–7 repealed -	60, s. 745.
c. 23	Elementary Education - -	S. 6, Schedule repealed -	56 (Stat. Law Rev.)
c. 24	Spirits - - -	S. 2, Schedule V. repealed	
c. 28	Census (Ireland) - -	Repealed - -	
c. 29	Courts of Justice Building Amendment.		
c. 30	Consolidated Fund (No. 2) -		
c. 31	Railways Construction (Ireland)		
c. 34	Debtors (Scotland) - -	Ss. 3, 5 repealed - -	
c. 35	Wild Birds Protection - -	Amended - -	24.
		S. 7 repealed - - -	56 (Stat. Law Rev.)
c. 36	Savings Banks - - -	S. 7, schedule repealed -	
c. 37	Census - - - -	Repealed - - -	
c. 38	Census (Scotland) - -		
c. 40	Appropriation - - -		
c. 42	Employers' Liability - -	S. 9 repealed - -	
c. 43	Merchant Shipping (Carriage of Grain).	Repealed - - -	60, s. 745.
c. 48	Expiring Laws Continuance -	Repealed - -	56 (Stat. Law Rev.)
44 & 45 Vict.:			
c. 1	Consolidated Fund (No. 1) -		
c. 4	Protection of Property (Ireland)		
c. 5	Peace Preservation (Ireland) -	S. 8 repealed - -	
c. 8	Consolidated Fund (No. 2) -	Repealed - -	
c. 9	Army Discipline (Annual) -		
c. 12	Customs and Inland Revenue -	Ss. 2, 19–22, 48, Sch. rep.	
c. 13	Municipal Elections (Scotland) -	S. 6 repealed - -	
		S. 2 "who are" to "husbands" rep.	58, s. 55.
c. 14	South Wales Bridges - -	Ss. 3, 4 repealed - -	56 (Stat. Law Rev.)
c. 15	Consolidated Fund (No. 3) -	Repealed - - -	
c. 20	Post Office (Land) - -	S. 2, Schedule repealed -	
c. 22	Bankruptcy and Cessio (Scotland).	S. 3 repealed - -	
c. 24	Summary Jurisdiction (Process)	S. 3 repealed - -	
c. 28	Local Government Board, I. -	Ss. 1, 2 repealed - -	
c. 31	Turnpike Acts Continuance -	Repealed - -	
c. 32	Public Loans (Ireland) Remission.		
c. 33	Summary Jurisdiction (Scotland)	S. 2 repealed - -	
c. 35	Coroners (Ireland) - -	S. 1 repealed - -	
c. 37	Alkali, &c. Works Regulation -	Ss. 2, 30 repealed - -	
c. 38	Public Works Loans - -	Ss. 2–5, 14, 15 repealed -	
c. 41	Conveyancing and Law of Property.	Ss. 68, 71, Schs. I., II. rep.	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
44 & 45 Vict.— *cont.*			
c. 42	Corrupt Practices (Suspension of Elections).	Repealed - -	56 (Stat. Law Rev.)
c. 45	Pedlars - - - -	Schedule repealed - -	
c. 50	Consolidated Fund (No. 4). -	Repealed - -	
c. 54	Indian Loan - - -		
c. 56	Appropriation - - -		
c. 57	Regulation of the Forces -	S. 52, Schedule repealed -	
c. 58	Army - - - -	Ss. 44, 91, 129, 170 am. -	8, ss. 4–7.
c. 59	Statute Law Revision and Civil Procedure.	Schedule repealed -	56 (Stat. Law Rev.)
c. 60	Newspaper Libel, &c. - -	S. 17 repealed - -	
c. 61	Sunday Closing (Wales) -	S. 8 repealed - -	
c. 68	Supreme Court of Judicature -	S. 19 amended - -	16, s. 4.
		S. 27 repealed - -	56 (Stat. Law Rev.)
c. 69	Fugitive Offenders - -	Ss. 40, 41, Sch. rep. -	
c. 70	Expiring Laws Continuance -	Repealed - -	
45 & 46 Vict.:			
c. 14	Metropolis Management and Building Acts (Amendment).	Repealed - - -	ccxiii. (Local).
c. 55	Merchant Shipping (Expenses) -	Rep. (except ss. 1 in part, 8)	60, s. 745.
c. 76	Merchant Shipping (Colonial Inquiries).	Repealed - - -	
46 & 47 Vict.:			
c. 22	Sea Fisheries - - -	S. 8 repealed - -	
c. 41	Merchant Shipping (Fishing Boats).	Repealed - - -	
47 & 48 Vict.:			
c. 13	Contagious Diseases (Animals) -	Repealed - -	57, s. 78.
c. 47	Contagious Diseases (Animals) Transfer of parts of Districts.		
c. 66	Bishopric of Bristol - -	Schedule amended - -	21.
48 & 49 Vict. c. 76	Thames Preservation - -	Repealed - - -	clxxxvii. (Local).
49 & 50 Vict.:			
c. 32	Contagious Diseases (Animals) -	Repealed (except s. 9.) -	57, s. 78.
c. 38	Riot (Damages) -	S. 6 repealed in part -	60, s. 745.
50 & 51 Vict.:			
c. 4	Merchant Shipping (Fishing Boats).	Repealed - - -	60, s. 745.
c. 42	Public Libraries (Scotland) -	Am.; ss. 4–6 rep. as to burghs.	20.
		S. 9 rep. in part (from 15 May 1895).	58, s. 55.
c. 51	Valuation of Lands (Scotland) -	Rep. in part; s. 2. am. -	36, ss. 4, 8.
c. 58	Coal Mines Regulation - -	Ss. 13, 14 amended -	52.
c. 62	Merchant Shipping (Miscellaneous).	Repealed - -	60, s. 745.
c. 73	Copyhold - - -	Repealed - - -	46, s. 100.
51 & 52 Vict.:			
c. 24	Merchant Shipping (Life Saving Appliances).	Repealed - - -	60, s. 745.
c. 25	Railway and Canal Traffic -	Amended - - -	54.
c. 32	Imperial Defence - -	Part II. and in part s. 11 repealed.	30, s. 41.
c. 41	Local Government - -	Ss. 20–23 amended -	30, s. 19.
c. 54	Sea Fisheries Regulation - -	S. 2 extended - -	26.
c. 57	Statute Law Revision (No. 2) -	Schedule amended - -	56 (Stat. Law Rev.)
c. 60	Probate Duties (S. and I.) -	Amended - -	30, s. 19.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 57 & 58 Vict.
52 & 53 Vict.:			
c. 5	Removal of Wrecks Act, 1877, Amendment.	Repealed - -	60, s. 745.
c. 8	Naval Defence - - -	Rep. (but *see* dates of rep.)	30, s. 41.
c. 29	Passenger Acts Amendment -	Repealed - - -	60, s. 745.
c. 30	Board of Agriculture - -	S. 3 repealed - -	57, s. 78.
c. 43	Merchant Shipping (Tonnage) -	Repealed - -	60, s. 745.
c. 44	Prevention of Cruelty to, and Protection of, Children.	Repealed - - -	41, s. 28.
c. 46	Merchant Shipping - -	Repealed - - -	60, s. 745.
c. 50	Local Government, S. - -	Part II. amended -	30, s. 19.
		Ss. 51, 81, 95, 96 am.; Ss. 28, 30, 51, 105 rep. in part.	58, ss. 16 (1), 4 (9), 46, 55.
c. 68	Merchant Shipping (Pilotage) -	Repealed - - -	60, s. 745.
c. 73	Merchant Shipping (Colours) -		
53 & 54 Vict.:			
c. 9	Merchant Shipping - -	Repealed - - -	60, s. 745.
c. 14	Contagious Diseases (Animals) (Pleuro-pneumonia).	Repealed - - -	57, s. 78.
c. 60	Local Taxation (Customs and Excise).	S. 6 rep. in part - -	58, s. 55.
c. 70	Housing of the Working Classes	Part II. explained - -	55.
54 & 55 Vict.:			
c. 32	Roads and Streets in Police Burghs (Scotland).	S. 7, "The expression" to "local Act" rep.	58, s. 55.
c. 39	Stamp - - - -	S. 114 extended - -	30, s. 39.
c. 48	Purchase of Land (Ireland) -	S. 40 (1) repealed - -	50, s. 3 (4).
55 & 56 Vict.:			
c. 19	Statute Law Revision - -	Schedule amended - -	56 (Stat. Rev.)
c. 37	Merchant Shipping - -	Repealed - -	60, s. 745.
c. 47	Contagious Diseases (Animals)-	Repealed - -	57, s. 78.
c. 54	Allotments (Scotland) - -	S. 9 rep. (from 15 May, 1895.)	58, s. 55.
c. 55	Burgh Police (Scotland) - -	S. 29 amended - -	18.
		S. 11 extended - -	58, s. 13 (6).
56 & 57 Vict.:			
c. 39	Industrial and Provident Societies.	S. 77 amended - -	3.
c. 43	Contagious Diseases (Animals) -	Repealed -	57, s. 78.
c. 45	Naval Defence - - -	Rep. (but *see* date of rep.)	30, s. 41.
c. 53	Trustee - - - -	S. 30, "as heir" to "order made" rep; Ss. 41, 44 amended.	10.
57 & 58 Vict. c. 27	Prevention of Cruelty to Children (Amendment).	Repealed - - -	41, s. 28.

NOTE.—By the Thames Conservancy Act, 1894 (57 & 58 Vict. c. clxxxvii. s. 4 & Sch.), and the London Building Act, 1894 (57 & 58 Vict. c. ccxiii. s. 215 & Sch.), the public Acts specified below are repealed to the extent mentioned, and the provisions substituted therefor will be found in the above-named Local Acts.

Repeals by Thames Conservancy Act, 1894.

Year, Statute, and Chapter.	Subject-matter or Short Title.	Extent of Repeal.
27 & 28 Vict. c. 113 -	Thames Conservancy - -	The whole Act.
29 & 30 Vict. c. 89 -	Thames Navigation - -	
21 James I. c. 32 - -		
24 Geo. II. c. 8 - -		
11 Geo. III. c. 45 - -		
15 Geo. III. c. 11 -		
28 Geo. III. c. 51 -		
35 Geo. III. c. 106 - -		
30 Geo. II. c. 21 - -	Fisheries (Thames and Medway) -	The whole Act so far as relates to the Thames.
4 & 5 Will. IV. c. 32 -	Tonnage Rates (Port of London) -	The whole Act.
8 & 9 Vict. c. 86 - -	Customs - - - -	Section 139.
12 & 13 Vict. c. 90 -		Section 42.
14 Geo. III. c. 91 -	Thames Navigation - -	The whole Act.
17 Geo. III. c. 18 -		
48 & 49 Vict. c. 76 -	Thames Preservation - -	

Repeals by London Building Act, 1894.

Year, Session, and Chapter.	Subject-matter or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 84 - -	Metropolitan Building -	So much as is unrepealed.
18 & 19 Vict. c. 120 -	Metropolis Management -	S. 142 and in s. 202 the words "the "plans level width surface inclina- "tion and" and the words "and "the plans and level of sites for "building."
18 & 19 Vict. c. 122 -	Metropolitan Building -	The whole Act.
23 & 24 Vict. c. 52 -		
24 & 25 Vict. c. 87 -		
25 & 26 Vict. c. 102 -	Metropolis Management -	Ss. 74, 75, 76, 85, 87, 98, and 99.
32 & 33 Vict. c. 82 -	Metropolitan Building -	The whole Act.
34 & 35 Vict. c. 39 -		
41 & 42 Vict. c. 32 -	Metropolis Management and Building Acts Amendment.	Ss. 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20. S. 21 from "and the "district surveyor" to "such house "building erection or work" and the words "or surveyor" S. 22 so far as it relates to any notice or order served or made under any provision repealed by this Act S. 23 from "and every penalty imposed "by Part II." to "Acts amending "the same" S. 25 In s. 26 the words "or in any bye-law of the "Board thereunder" And in s. 27 the words "or in any bye-law "thereunder made."
45 & 46 Vict. c. 14 -		The whole Act.

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(57 & 58 VICT., 1894,)

ARRANGED IN CLASSES.

CLASS 1.—BRIDGES AND FERRIES.
" 2.—CANALS, RIVERS, NAVIGATIONS, TUNNELS, AND SUBWAYS.
" 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.
" 4.—DRAINAGES AND DRAINAGE EMBANKMENTS.
" 5.—ECCLESIASTICAL AFFAIRS, INCLUDING TITHES.
" 6.—ESTATES.
" 7.—FISHERIES.
" 8.—GASLIGHT COMPANIES AND UNDERTAKINGS.
" 8A.—ELECTRIC LIGHT COMPANIES, &c.
" 9.—HARBOURS, DOCKS, PORTS, PIERS, QUAYS, &c.
" 10.—IMPROVEMENTS IN TOWNS, MUNICIPAL AND COUNTY AND LOCAL GOVERNMENT MATTERS, MARKETS, &c.
" 11.—PARKS, COMMONS, AND OPEN SPACES.
" 12.—PARISH AFFAIRS.
" 13.—PERSONAL AFFAIRS.
" 14.—RAILWAYS.
" 15.—TRADING AND OTHER COMPANIES.
" 16.—TRAMWAYS AND TRAMROADS.
" 17.—TURNPIKE AND OTHER ROADS.
" 18.—WATER COMPANIES AND UNDERTAKINGS.
" 19.—PROVISIONAL ORDERS CONFIRMATION.

Class 1.—Bridges and Ferries.

Bangor Corporation (Pier, &c.). Ch. clxxxii.
Cardiff Corporation. Ch. clxi.
Edinburgh North Bridge Improvement. Ch. c li.
Glasgow Bridge, &c. Ch. clxxvi.
London County Council General Powers). Ch. ccxii.
Newcastle-upon-Tyne Corporation (Byker Bridge, &c.). Ch. cxl.
Queen's Ferry Bridge. Ch. clxxx.
Talycafn Bridge. Ch. xciv.

Class 2.—Canals, Rivers, Navigations, Tunnels, and Subways.

Clyde Navigation. Ch. clxviii.
Glasgow District Subway (Further Powers). Ch. clxxiv.
Grand Canal. Ch. xxvi.
King's Lynn Corporation. Ch. cxxxviii.
Leicestershire and Northamptonshire Union and Grand Union Canals (Transfer). Ch. lxxxv.
Manchester Ship Canal. Ch. clxix.
River Suck Drainage. Ch. cxlv.
Rochdale Canal. Ch. xxxii.
Scarborough (Shore to Shore) Tunnel. Ch. lxxxix.
Sheffield and South Yorkshire Navigation. Ch. cxlvii.
Thames Conservancy. Ch. clxxxvii.
West Riding of Yorkshire Rivers. Ch. clxvi.

[*For Acts confirming Provisional Orders under the Railway and Canal Traffic Act,* 1888, *see* Class 19 (11).]

Class 3.—Charitable Foundations and Institutions.

Cheltenham College. Ch. ciii.
Royal Medical Benevolent College. Ch. x.

Class 4.—Drainages and Drainage Embankments.

River Suck Drainage. Ch. cxlv.
South Staffordshire Mines Drainage. Ch. clxxi.
Wallasey Embankment. Ch. ci.

Class 5.—Ecclesiastical Affairs, including Tithes.

Nil.

Class 6.—Estates.

Bathwick and Wrington. Ch. *1*.
Walker's. Ch. *2*.

Class 7.—Fisheries.

Nil.

[*For Act confirming Provisional Order under the Sea Fisheries Act,* 1868, *see* Class 19 (12).]

Class 8.—Gaslight Companies and Undertakings.

Abertillery Local Board (Gas and Water). Ch. lxix.
Accrington District Gas and Water Board. Ch. cxxxiv.
Croydon. Ch. liv.
Edinburgh and Leith Corporations (Additional Powers). Ch. lv.
Falkirk Corporation. Ch. lxviii.

Class 8.—Gaslight Companies and Undertakings—*continued.*

Harrow and Stanmore. Ch. ccviii.
Hebden Bridge. Ch. xcviii.
Kendal Corporation Gas and Water. Ch. lxxviii.
Millom Local Board. Ch. xxxi.
Paignton. Ch. xxxiii.
Plymouth and Stonehouse Gas. Ch. ccx.
Preston. Ch. clxxv.
Torquay. Ch. lxii.

[*For Acts confirming Provisional Orders relating to Gas undertakings, see* Class 19 (3), (7 (*a*)).]

Class 8A.—Electric Light Companies, &c.

Nil.

[*For Acts confirming Provisional Orders under the Electric Lighting Acts,* 1882 and 1888, *see* Class 19 (1).]

Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.

Bangor Corporation (Pier, &c.). Ch. clxxxii.
Bute Docks. Ch. cliv.
Edinburgh Corporation Stock. Ch. lvi.
Fishguard and Rosslare Railways and Harbours. Ch. cxxxvii.
Maryport Harbour. Ch. cvi.
Milford Docks. Ch. cii.
Neath Harbour. Ch. liii.
Peterhead Harbours. Ch. clxx.
Port Talbot Railway and Docks. Ch. cxli.
Surrey Commercial Dock. Ch. lxvii.
Swansea Harbour. Ch. cv.
West Highland Railway. Ch. clvi.

[*For Acts confirming Provisional Orders under the General Pier and Harbour Act,* 1861, *see* Class 19 (4).]

Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.

Aberdare Local Board Waterworks. Ch. lix.
Abertillery Local Board (Gas and Water). Ch. lxix.
Accrington District Gas and Water Board. Ch. cxxxiv.
Alloa Water (Amendment). Ch. iv.
Bacup Corporation Water. Ch. lxv.
Bangor Corporation (Pier, &c.). Ch. clxxxii.
Bridlington Local Board. Ch. lxiv.

Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.—*continued.*

Bury Corporation. Ch. lxiii.
Cambridge University and Corporation. Ch. lx.
City of London Police Superannuation. Ch. vii.
Cardiff Corporation. Ch. clxi.
Doncaster Corporation. Ch. xxix.
Dundee Corporation. Ch. lxxiv.
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TO THE

PUBLIC GENERAL STATUTES,

57 & 58 VICTORIA.—A.D. 1894.

NOTE.—The capital letters placed after the chapter have the following signification:—

E.	*that the Act relates to*		England (and Wales, if it so extend).
S.	"	"	Scotland exclusively.
I.	"	"	Ireland exclusively.
E. & I.	"	"	England and Ireland.
E. & S.	"	"	England and Scotland.
U.K.	"	"	Great Britain and Ireland (and Colonies, if it so extend).
Ind.	"	"	India specially.
C.	"	"	The Colonies specially, or any of them.

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COUNTY COUNCILS ASSOCIATION (SCOTLAND) EXPENSES:

To provide for the Establishment of a County Councils Association in Scotland, and to enable County Councils to contribute to the Expenses of the Association. Ch. 5. S. Page 18.

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To amend the Law relating to the Management of the Woods, Forests, and Land Revenues of the Crown. Ch 43. U.K. Page 112.

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11. Movement into, within, or out of infected places and areas in case of pleuro-pneumonia and foot-and-mouth disease.
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14–17. Slaughter by Board of Agriculture in case of pleuro-pneumonia, foot-and-mouth disease, or swine-fever.
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24. Animals in the absence of any order to be slaughtered at port of landing.
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41. Relief of boroughs from contribution to county expenses.
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43. Duties and authorities of constables.

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47. Exemption from stamp duty and fees.
48. Evidence and form and service of instruments.
49. Provisions respecting orders of Board of Agriculture.
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65–77. Special provisions as to Ireland.
78, 79. Repeal; short title.
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E.

ECCLESIASTICAL COMMISSIONERS, Transfer to, of Sunk Island Fund. *See* CROWN LANDS ACT (c. 43, s. 13).

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ELECTORS (PAROCHIAL), Acceleration of Registration of, in present year. *See* REGISTRATION ACCELERATION ACT (c. 32).

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EMPLOYMENT OF CHILDREN, Restrictions on. *See* PREVENTION OF CRUELTY TO CHILDREN ACT (c. 41, ss. 2, 3).

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EXPIRING LAWS CONTINUANCE:

To continue various expiring Laws. Ch. 48. U.K. Page 170.

F.

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To grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year. Ch. 30. U.K. Page 53.

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3. Exception for transactions for money consideration.
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6. Collection and recovery of Estate duty.
7. Value of property.
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36. Exemption of income tax in favour of savings banks.
37. Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1894–95.
38. Provisions as to duty on dividends, &c. paid prior to the passing of this Act.

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41. Alteration of Imperial and Naval Defence Acts.

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42. Short title.

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FISHERY BOARD (SCOTLAND) EXTENSION OF POWERS.
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FISHERY BOARD (SCOTLAND) EXTENSION OF POWERS:
To extend the powers of the Fishery Board for Scotland in relation to Harbours and Piers. Ch. 14. S. Page 26.

FISHING BOATS. *See* MERCHANT SHIPPING ACT (c. 60, Part IV.).

FOOT-AND-MOUTH DISEASE, Consolidation of provisions respecting. *See* DISEASES OF ANIMALS ACT (c. 57).

FOUR COURTS LIBRARY:
To authorise an advance out of the general fund of monies belonging to the Suitors of the Supreme Court in Ireland for the purposes of the Library used by the Bar of Ireland at the Four Courts, Dublin. Ch. 4. I. Page 17.

FRIENDLY SOCIETIES, Power to Boards of Guardians to grant relief to Members of. *See* OUTDOOR RELIEF FRIENDLY SOCIETIES ACT (c. 25).

G.

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——— *See also* LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDER CONFIRMATION (GAS) ACT (c. xliv.).

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H.

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8. Provisions for security holders becoming proprietors of security subjects.
9. Completion of title of security holders. Personal obligation of debtor to remain so far as not extinguished by price.
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13. Provisions of Act to have effect notwithstanding incapacity of debtor. Trustees and others to have powers conferred by Act.
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15. Sheriff to have jurisdiction whatever value of lands.
16. Provisions as to notice where debtor has died and heir cannot be ascertained
17. Rights under existing law reserved.
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HOUSING OF THE WORKING CLASSES:
To explain the provisions of Part II. of the Housing of the Working Classes Act, 1890, with respect to powers of borrowing. Ch. 55. U.K. Page 182.

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INCOME TAX, Limit of entire exemption from, raised to 160*l.*, and of partial exemption to 500*l.* *See* FINANCE ACT (c. 30, s. 34).

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——— Power for legislature of, to apply Part III. of Merchant Shipping Act. *See* MERCHANT SHIPPING ACT (c. 60, s. 368).

INDIAN RAILWAYS:

To enable Indian Railway Companies to pay Interest out of capital during construction. Ch. 12. U.K. Page 23.

INDUSTRIAL AND PROVIDENT SOCIETIES:

To amend the Industrial and Provident Societies Act, 1893, in so far as it relates to the Island of Jersey. Ch. 8. Page 20.

INDUSTRIAL SCHOOLS ACTS AND PREVENTION OF CRUELTY TO CHILDREN ACT, 1894, Interchange of Powers under. *See* PREVENTION OF CRUELTY TO CHILDREN ACT (c. 41, s. 9).

INDUSTRIAL SCHOOLS ACTS AMENDMENT:

To further amend the Industrial Schools Act, 1866. Ch. 33. E. & S. Page 84.

INJURED ANIMALS:

To enable police constables to cause horses and certain other animals when mortally or seriously injured to be slaughtered. Ch. 22. U K. Page 36.

INLAND REVENUE. *See* FINANCE ACT (c. 30).

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J.

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JURORS (IRELAND) AMENDMENT:

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L.

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LOCAL GOVERNMENT ACT, 1894. *See* previous volume (56 & 57 Vict. c. 73).

LOCAL GOVERNMENT. *See*—

BURGH POLICE (SCOTLAND) ACT, 1892, AMENDMENT.
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PUBLIC LIBRARIES (IRELAND).
PUBLIC LIBRARIES (SCOTLAND).
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LOCAL GOVERNMENT (SCOTLAND):

To establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes. Ch. 58. S. Page 285.

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13. Parish wards.
14, 15. Regulations as to election of parish councillors.
16. Notice of election and nomination papers, &c.
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LOCAL LOANS. *See* FISHERY BOARD (SCOTLAND) EXTENSION OF POWERS ACT (c. 14); PUBLIC WORKS LOANS ACT (c. 11).

LOCOMOTIVE THRESHING ENGINES:
For removal of the restrictions on the use of Locomotive Engines for Threshing purposes. Ch. 37. U.K. Page 89.

LONDON (EQUALISATION OF RATES):
To make better provision for the Equalisation of Rates as between the different parts of London. Ch. 53. E. Page 177.

——— Provision for Intermediate Census of County of. *See* LONDON (EQUALISATION OF RATES) ACT (c. 53, s. 3).

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For enabling the Board of Agriculture to undertake Prosecutions in certain cases under the Merchandise Marks Act, 1887. Ch. 19. E. & S. Page 34.

MERCHANT SHIPPING:
To consolidate Enactments relating to Merchant Shipping. Ch. 60. U.K. Page 339.

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4–13. Procedure for registration.

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17, 18. Power to grant new certificate; provision for loss of certificate.
19, 20. Endorsements on certificate.
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56, 57. Trusts and equitable rights.
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N.

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O.

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4. Power to take offenders into custody.
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6. Disposal of child by order of court.
7. Maintenance of child when committed to custody of any person under order of court.
8. Religious persuasion of person to whom child is committed.
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10. Warrant to search for and remove a child.
11. Power as to habitual drunkards.

PREVENTION OF CRUELTY TO CHILDREN—*continued.*

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Q.

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R.

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